De Necessariis Observantiis Scaccarii Dialogus

Commonly called

Dialogus de Scaccario

By Richard, Son of Nigel

Treasurer of England and
Bishop of London

[Richard Fitzneale Bp.]

Edited by

Arthur Hughes, C. G. Crump
and C. Johnson

Oxford
At the Clarendon Press
mdccccii

HENRY FROWDE, M.A.
PUBLISHER TO THE UNIVERSITY OF OXFORD
LONDON, EDINBURGH
NEW YORK

PREFACE

THE chief object of the three persons concerned in the present edition of the *Dialogus de Scaccario* has been to secure an improved text; and it is with some confidence on this point that they submit the results of their work to the criticism of scholars. They have also desired to collect together the many stray references to the book, and reduce them to the form of a commentary, adding such results of their own researches as have seemed to them to escape the notice of others. No claim for originality is made by any of the editors for any part of their work. Where they believe themselves to have broken fresh ground, further research may easily show that Selden or Madox, to omit more modern names, have been before them; and though every effort has been made to trace suggestions to their original authors, it can hardly be hoped that this has always been accomplished.

The thanks of the editors are specially due to Mr. Hubert Hall, F.S.A., who handed over to them not only the task of preparing this edition, but also the list of MSS. which he had compiled for his own use. They have also to thank Professor F. York Powell for his kindness in reading the manuscript and making many suggestions and amendments therein. Mr. J. P. Gilson of the British Museum has saved the editors many journeys to the Manuscript room by undertaking to check suspected misreadings of C. in Part II. Many other obligations have been acknowledged in their proper places; but the editors wish to express especial gratitude to the reader of the Clarendon Press.

D. M.

THOMAE MADOX

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Translations.

Besides the manuscript translation mentioned in the Introduction there exist—

The Ancient Dialogue of the Exchequer, translated by a gentleman of the Inner Temple [John Rayner]. London, 1658.

The Dialogue concerning the Exchequer *being* pp. 20–134 *of* Select Historical Documents of the Middle Ages translated and edited by Ernest F. Henderson. *Bohn's Libraries*. London, 1896. 8vo.

There are we believe other translations. Neither of those here named is adequate.

INTRODUCTION

Even before the date at which Thomas Madox printed the *Dialogus de Scaccario*, as an appendix to his *History of the Exchequer*, this treatise had attained to fame among historians and lawyers. Camden[1], Spelman[2], Coke[3], and Selden[4] have all cited passages from it, and the numerous MSS. of the sixteenth and seventeenth century in existence show the importance our Elizabethan, Jacobæan, and Caroline antiquaries attached to it. It was not, however, until 1711 that it appeared in print under the care of that profound scholar, whose reputation and research raise him so far above his contemporaries, that he seems almost the only scientific English historian of the century in which he lived. In his dedication to Charles, Lord Halifax, he explains the method adopted by him for the formation of his text. He procured from the library of Lord Somers two[5] modern transcripts of the treatise, and had one copy made from them. This copy, probably when in proof, he with the assistance of George Holmes, Deputy Keeper of the Records in the Tower, collated with the two Exchequer MSS. known as the Red Book and the Black Book, one of them reading the original and the other looking at the copy[6] the while. The dedication is dated 1708, while the certificate of collation placed at the end of the text is dated June, 1707 for the collation with the Red Book MS., and August, 1707 for the collation with the Black Book MS. For many years this edition remained the only one; and it was not until the year 1870 that Dr. Stubbs reprinted the treatise in the *Select Charters* from Madox's text. In 1875, F. Liebermann, Ph.D. of Göttingen, published his *Einleitung in den Dialogus de Scaccario*, an account of the matter

[1] *Britannia* (ed. 1600), pp. 120, 135.
[2] *Glossarium*, s.v. 'Marescallus,' and elsewhere.
[3] *First Institute*, f. 13 and elsewhere.
[4] *Titles of Honour* (ed. 1672), p. 528.
[5] Probably Harleian MSS. 3887 and 4156.
[6] 'Exemplar hoc impressum Dialogi.' *Dialogus*, ed. Madox, p. 59, n.

contained in the treatise, with full discussions of many incidental points, in which will be found some conjectural attempts to improve portions of the text. Most, if not all of these, have been included in later editions of the *Select Charters*.

The *Select Charters* text, the one most accessible, is still substantially the text formed by Madox and Holmes. But this text is in places uncritical and the collation untrustworthy. For an instance of both these faults we may refer to II. ii. E, F, where Madox reads 'diceres hunc illo longe mitiorem extitisse,' with the note 'L. N exisse.' The reading in both N and R is, however, 'mitius exisse,' and the correct reading is without a doubt 'mitius egisse.' Here the mistake does not affect the sense, but in the preface to Part I, B the conversion of the 'mammona' of the MSS. into 'in misericordia' has made nonsense of the passage.

The first object which we proposed to ourselves was the construction of a better text than the existing one. An examination of the MSS.[1] showed that only four of the many in existence were likely to be of use for this purpose. Of these four the MS. known as Hargrave 313 was found to be only an incorrect transcript of that in the Red Book, without any trace of an independent source. The three remaining were the Red Book of the Exchequer, here called R; the Black Book of the Exchequer, here called N; and the Cotton MS. Cleopatra A 16, here called C. It speedily became clear that none of these three was the original, and that in all probability none was even copied from it. It was also clear that R and N were copied from a common original, which was not the original of C. Comparison of R and N showed further that their common original omitted certain passages which existed in the original of C; moreover, the signs of uncertainty shown in the MSS. as to the proper order of the words in many passages suggested that interlineations or marginal notes had been differently interpreted by the two unknown originals. Considerations of this kind led us to the conclusion that the history of the MSS. before us was probably the following. From the original text of Richard Fitz-Neal two copies, which we will call X and Y, arose. X, while in a good condition, was copied into the Red Book of the Exchequer in the first half of the thirteenth century, and at a later date, at the end of the same century, when

[1] We are much indebted to Mr. Hubert Hall for his kindness in giving us the results of his study of the MSS. of the *Dialogus*.

the edges of its leaves had suffered a good deal from wear, it was again copied into the Black Book (N). The recurrent lacunae in the Black Book point to a MS. of small size[1] or else in double column. Other indications[2] suggest that the lines of the MS. were short. There was a considerable number of omissions in the text of X, and the scribe seems to have been in places unintelligent. Of Y, the original of C, less can be said. There are few omissions of importance, and the most striking characteristic is the frequent inversion of words by which the order of the text differs from that in N and R. We have here assumed that X and Y derive directly from the original text, but of this there is of course no proof, while the agreement of C, N, and R in the insertion of certain passages, suspiciously like interpolations, might suggest the interposition of other MSS. between the original and X and Y.

We may now proceed to describe the MSS. we have used.

R = The Red Book of the Exchequer (King's Remembrancer, Miscellaneous Books, No. 2), ff. 31–46.

A MS. on parchment, $12\frac{3}{4}'' \times 8\frac{1}{2}''$, in double columns, rubricated, with the initials illuminated alternately in red and blue. The 'Red Book' has always been preserved in the Exchequer as a book of authority, and contains various collections relating to matters concerning the Exchequer administration. A fuller account of it will be found in Mr. Hubert Hall's edition in the Rolls Series, pp. i–cxlviii. The handwriting is dated by Mr. Hall in the second quarter of the thirteenth century[3].

H = *British Museum*, MS. Hargrave 313, ff. 2–5 and 16–29.

It has a considerable likeness to R, of which it is apparently a contemporary copy. We collated this MS. as far as I. v. H, but as it showed no trace of representing any independent authority we have not recorded its various readings[4].

N = The Black Book of the Exchequer (Treasury of Receipt), ff. 18–45.

A MS. on parchment, $10\frac{3}{4}'' \times 6\frac{1}{4}''$, in single column, written for the

[1] There were apparently 250 words more or less to the page or column, about half as many as in a page of the Hargrave MS. It might reasonably be a double column MS. of about the same size.

[2] Certain omissions seem to fix the length of the lines, e.g. Pref. B, R omits 'in stipendiis ministrandis'; I. iii. D, R omits 'id quod expresse nominatur.' I. v. C. Here R omits the final word 'scriptoribus' of D's question and M's answer as far as 'sed super alios.'

[3] *Red Book of the Exchequer*, p. l.

[4] For a further account of H, cf. ibid. p. l and pp. lxv seqq.

most part in a hand of the latter half of the thirteenth century, containing many memoranda of various dates relating to the Exchequer. A fuller description of this book will be found in Mr. Scargill-Bird's *Guide to the Documents preserved in the Public Record Office* (ed. 1896), p. 316. The text of the *Dialogus* in N has several portions supplied in another hand, apparently from R, showing that the common original had by this time become worn.

C = MS. Cotton, Cleopatra A. 16, ff. 1–38.

An illuminated MS. on parchment, in small quarto, $6\frac{3}{4}'' \times 4\frac{3}{4}''$. The book as at present existing has been put together from more than one source, and the fly-leaf at the end bears the mark Vitellius D 19. The part which contains the *Dialogus* formed ff. 17–54 of a previous MS. with the following contents:—

f. 1. Some notes from the Memoranda Rolls, Edward III–Henry VI, as to appointments of Controllers of the Great Roll, and other matters.

f. 2. 'Assaium Auri factum apud Westmonasterium A° xxiii° R. E. tercii.'

f. 3. A ready reckoner for the seignorage of five shillings in the pound on gold coin, 13 Henry IV.

f. 5. Extract from Liber Rubeus, f. 232, on the kinds of silver.

f. 5 b. Extracts from the Exchequer book of statutes, giving precedents for writs for taking the treasurer's account.

f. 6. Leges Edwardi Confessoris 'Post quartum annum,' &c.

ff. 12, 13. Modern notes on proceedings relating to outlawry, on various points of law, dates of ancient statutes, &c.

ff. 14–16. More notes on Courts Baron, Courts Leet, &c., and the Memorandum, 'This booke was made by G. Tilburiensis.'

ff. 17–48. A MS. of the *Dialogus* down to 'debita pecunia proveniat' (II. xviii.), written apparently in the latter part of the thirteenth century, rubricated and with illuminated initials.

ff. 49–54. The remainder of the *Dialogus* copied from R, presumably in the reign of Henry V (1413–1422).

f. 54. Modus Cambii Assaii et Allaii faciendi de Argento et Auro (i. e. the treatises 'De Moneta' from the Red Book).

ff. 63, 64. Mensuratio Terre.

The original cover, now f. 65, has a list of sovereigns from Henry II to Henry V, the length of the reign of Henry V being filled in afterwards, and the note 'Iste liber deliberabitur Magistro Wyllelmo Fayrley (?) aut Thome fratri suo.'

The other cover, now f. 68, contains more memoranda of Controllers of the Great Roll, down to Thomas Harford, admitted 14 Henry VI.

Minor MSS. may be classed in three groups:

1. Copies of C.

British Museum, MS. Harley 688, ff. 1–94. A folio on paper. A modern copy of C.

Trinity College, Cambridge, O. 10. 4. A seventeenth century MS. entitled 'Occamus | De Necessariis observantiis Scaccarii | sive | Niger Liber Scaccarii.' There is a note on f. 1 attributing the authorship to Richard Beaumes, Bishop of London. As Coke cites the *Dialogus* under the title of 'Ockam,' it is possible that he may have used this MS., which has a marginal note, 'Ockham vocat Coke.'

2. Copies of R. Besides H there are—

Caius College, Cambridge, $\frac{100}{194}$. 'Gervasii Tilburiensis | de necessariis Scaccarii | observandis dialogus.' Seventeenth century. This contains an extract from Bale about Gervase of Tilbury.

Bodleian Library, MS. Laud. Misc. 654. 'Dialogus de Scaccario et ejus officiariis,' &c. This MS. is imperfect, ending with the words 'cum autem in manu' (II. 10. D). It is unusually large ($13\frac{3}{4}'' \times 11''$), and was apparently written at the Exchequer early in the sixteenth century. The chapter headings have not all been filled in, and the last six leaves are blank. The book has a rough parchment cover, and probably was once fastened with a strap.

3. Copies of N.

This is the most numerous group of MSS., and the majority possess a distinctive character, being apparently derived from a copy of the Black Book made by William Roper, chief clerk of the Queen's Bench (1523–1577), Sir Thomas More's son-in-law. They usually contain an extract from Bale upon Gervase of Tilbury; Memoranda 'De Averiis pascendis,' &c., from the Red Book; and an Index Rerum. All have a note of a MS. of the 'Otia Imperialia' in the possession of the Archbishop of Canterbury and of Roper's MS. Of these are—

British Museum, MS. Lansdowne 567. A copy of Roper's MS. by Robert Multon, A.D. 1577 (without the 'De Averiis pascendis' or the Index).

British Museum, MS. Harley 4156. Sixteenth or seventeenth century.

British Museum, MS. Harley 3887. Tabularius et Gervasi Tilburiensis de necessariis Scaccarii observandis accurate et perbene digestis in duobus libris.

British Museum, MS. Add. 11625. An imperfect MS., containing, however, the Index Rerum. Presented by Sir Henry Ellis.

Bodleian Library, MS. Bodley 872, entitled 'Gervasius Tilburiensis.' 1647.

Bodleian Library, MS. Rawlinson D. 349. On paper. Folio. Seventeenth century.

Another division is headed by—

Lambeth Library, MS. 138, Art. 5. A transcript made for Sir Thomas Bromley by William Lambarde, A. D. 1572. We have not examined this MS.

Of this there appear to be two copies:

British Museum, MS. Stowe 311. A folio on paper, of the end of the sixteenth century.

British Museum, MS. Add. 25277. An abridgement from Lambarde's transcript down to 'a murdris, scutagiis et a danegeldis' (I. viii. D).

There was also a MS. belonging to Sir Henry Spelman, mentioned in H. Wanley's notes in the sale catalogue of his library, which was put up to auction in 1709 (MS. Harl. 7055, f. 23). This we have been unable to trace. Two transcripts of it however exist, which refer to it as a MS. 'optimae notae.' An examination of these proved it to have been derived from N.

These transcripts are—

British Museum, MS. Stowe 312. A folio on paper, copied A.D. 1646, for Sir Roger Twysden, with notes showing his knowledge of the authorship of the treatise.

British Museum, MS. Stowe 938. Apparently a later copy of the same.

Other MSS. derived from N are: *British Museum*, MS. Add. 4786 (a Clarendon MS. seventeenth century) and *Cambridge University Library*, Dd. 4. 46. *Cambridge University Library*, Ee. 2. 11 is a poor eclectic text from N and R.

The following MSS. we have not examined:—

British Museum, MS. Add. (Sloane) 4787.

Lincoln's Inn, MSS. folio.

Lincoln's Inn, MSS. 4to.

Lincoln's Inn, MSS. 8vo.

Eaton Hall MS.

These are all modern transcripts.

We are indebted to Mr. Hubert Hall for giving us a list of these manuscripts, to which we have only been able to add two, and for the description of those which we have not ourselves examined.

There is one MS. translation—

British Museum, MS. Lansdowne 610, entitled 'ΣΚΑΚΚΑΡΙΟΛΟΓΙΑ.' This is a translation of the *Dialogus* by 'W. B. gent.' A° 1647, and has been made from N or some derivative of N. It begins 'It is necessary allwaies to be subject,' &c.

With these materials we have adopted the following method of constructing our text. In orthography we have been guided by the Pipe Rolls of Henry II. These records were written under the eye of the Treasurer and in his language[1], and may fairly be taken as representing his standard. As a result we have expelled *j* from the alphabet, and made use of *v* at the beginning and *u* in the middle of words to represent either *u* or *v*. In such words as 'exitium' we have preferred *t* to *c*, and we have used the single *e* instead of the diphthong *ae*. We have attached no importance to the spelling of any of the MSS. Where the reading is doubtful we have considered the evidence of N and R combined as slightly superior to that of C alone; but in the absence of agreement between N and R we have almost invariably followed C, and have considered the agreement of C with either N or R conclusive evidence.

We have been unable to regard certain passages as forming part of the original argument of the treatise: our exclusion is based for the most part on historical or logical incompatibility between the parts excluded and the rest of the treatise. Once a passage in itself suspicious is variously placed in two of our three MSS.; but as a rule the MSS. agree in the insertion of the passages we regard as interpolations. We are not, however, bound to assume that the archetype of X and C was a copy from the original MS. with its marginal notes inserted at the points at which they occurred. We may assume the original MS. to have been completed before April, 1179; the date of R is approximately 1230–1246. We have at most to place two intermediate MSS. within fifty-two years, and allow time for the second to become

[1] I. v. R. 'Ministrat verba.'

worn or to have otherwise suffered at the edges. Considering the practical character of the book, this is not too much to postulate.

Every early MS. of the treatise is entered in a book showing close connexion with the Exchequer. It may easily be affirmed, therefore, that these copies were always made by and for Exchequer officials. Copies made under such conditions are at once more and less accurate than others; more accurate because they are more intelligently made, less accurate because the copyist is anxious to include all the information in the MS. before him, and will pay little heed to trivial mistakes and alterations that will not lead a reader astray in practical use. All the earlier MSS. of the treatise were probably of the kind here described. At the same time we do not wish to lay too much stress on our seclusions. The transitions of the author's style are often violent and awkward, and his statements are occasionally recklessly incorrect. But we believe that the passages we have bracketed exhibit these qualities in an eminent degree, and are for that reason highly suspicious.

Our dealing with the chapter headings rests on a different ground. The body of the treatise contains one reference [1] to a chapter heading, but examination will show that if this is anything but a gloss, it is a reference to a division of chapters other than that now existing. Again, the headings differ in R and C, the only MSS. containing them, and differ also from the contents tables in the three MSS., which differ among themselves. Moreover, at the beginning of Book II there are marked traces of a different arrangement of the text. Upon such evidence it is difficult to avoid serious doubt as to the genuineness of the existing divisions. In order to retain the familiar references to the treatise we have placed the numbers of the chapters on the margin of the text, but in our arrangement of paragraphs we have paid no heed to them. The few emendations we have made are discussed in their places.

The accepted title of the treatise, 'Dialogus de Scaccario,' seems to be due to a misunderstanding of the title-page prefixed by Madox to his edition, but it has now passed into common use and is convenient. The author speaks of his book as being 'de necessariis observantiis scaccarii.' Most catalogues of MSS. use this title, and add to it the information that Gervase of Tilbury is the author.

[1] I x. C, 'in titulo de libro iudiciario.'

None of the four earliest MSS. has any contemporary title or any hint as to the author's name.

It is not easy to understand how this treatise came to be attributed to Gervase of Tilbury. Madox (p. vii) only tells us that it had passed under that name for many years, for what reason he did not know. He proceeds to show that Gervase of Tilbury cannot be identified with Gervase de Thesauro, who was an officer of the Receipt of the Exchequer in the early years of Henry II. It is, however, improbable that the mistake arose from any such identification or confusion. The most probable explanation is that the work called *Tricolumnis*, which the author of the *Dialogus* speaks of as his own, has in some way been confused with the *Historia Tripartita* of Gervase of Tilbury. But even so slender a thread of connexion is scarcely necessary. Coke (*First Inst.* p. 13), who quotes the *Dialogus* repeatedly, refers to the author as 'Ockam.' Now as Coke knew the date of the treatise, and ought to have known the date of William of Ockham, it was a bad blunder to have confused the two. Supposing Coke to be merely quoting the title of the MS. which he used, we must regard the original attribution of that MS. as purely arbitrary. It would be possible to quote instances from the history of English MSS. of equally unwarranted fathering of books on famous names.

But there is no difficulty in assigning the treatise to its true author, and Madox has the credit of first establishing the fact that the writer of the treatise was Richard, Bishop of London, basing his argument upon the assertion of Alexander de Swereford in the Red Book of the Exchequer[1]. It is not intended in this introduction to deal at length with the life of the author. It is sufficient to point out that Richard was the son[2] of Nigel, Bishop of Ely, who was himself the nephew or son of Roger, Bishop of Salisbury, and the brother of Alexander, Bishop of Lincoln. All these men belonged at once to the hierarchy of the Church and of the administration. As a member of the family, proud of their name[3], the repository of an inherited knowledge[4], it was natural that he should wish, like his father, whom he calls the Esdras of the

[1] 'Nec eiusdem successor officii Ricardus Londoniensis episcopus, licet in sui libelli tractatu superius multa de negociis Scaccarii degereret.' Lib. Rub. f. xlviii a. Cf. also ibid. f. ccxxxij a.

[2] Pipe Roll 14 Henry II. p. 222, 'Abraham Iudeus clamavit quietum Ricardum Thesaurarium de plegiis debiti patris sui episcopi Eliensis.'

[3] The name was Le Poer. Cf. *Dialogus*, I. vii. C.

[4] 'Id quod habemus per traducem accepimus.' Ibid.

Exchequer, to supply his colleagues' lack of experience [1] and to correct such as held incorrect [2] views. The following brief sketch of his career is only intended to illustrate his qualifications for the task. He was born before 1133 [3]. In 1143 and again in 1145 he was a prisoner in Stephen's hands as a hostage for his father. There is ground to suppose that four years after the accession of Henry II, in 1158, Nigel of Ely purchased the office of treasurer for his son [4], and it is clear that by 1160 Richard was in possession of that office. He cannot thus have been much more than thirty when he assumed this office, which he held until his death on September 10, 1198. As to his ecclesiastical career, his father appointed him Archdeacon of Ely in 1160, and he administered the see during his father's sickness from 1164 to 1169. He became Canon of St. Paul's and Dean of Lincoln before 1184, and in 1186 he was one of the three candidates selected by the chapter for the vacant see. On Sept. 15, 1189 the chapter of St. Paul's elected him Bishop of London with the king's consent, and he was consecrated and enthroned on December 31 in that year. Of his political activity little is recorded. Only once, in 1193, he emerges into light as adhering [5] to Hubert Walter in the debate between that primate and St. Hugh, Bishop of Lincoln. But we know nothing of his conduct during the reign of Henry II. His political unimportance saved him from any concern in the dispute between the king and Becket; and in the later troubles of the reign we only gather that he stood steadily by the king and administered his department as well as he could. He is only known to have acted once as Justice in Eyre, viz. in 1194 in Essex.

It remains to consider his intellectual equipment. This was rather that of an educated Churchman than of a profound scholar, as may be seen by comparing the *Dialogus* with the works of John of Salisbury. The language, though somewhat affected in places, is generally straightforward official Latin, without any trace of classical construction. The literary allusions suggest that the author had read Priscian (II. xxviii. B) and Isidore (I. xiii. xiv) in the course of his ordinary studies. He quotes Horace freely, especially the *Epistles* and the *Ars Poetica*. Virgil and possibly

[1] I. prol. [2] I. xi. C.

[3] For the authorities in support of the following dates see Liebermann, *Einleitung*.

[4] Liebermann, op. cit. p. 32.

[5] *Select Charters*, p. 256.

part of Ovid he had also read, but his own Latin verse is unclassical and clumsy.

His acquaintance with Seneca, whom he quotes once (I. Prol. A.), is probably only second-hand; and some of the tags whose origin we have been unable to trace, may be due to the use of books of quotations. His logical expressions, which are not unfrequent, are due directly or indirectly to Boethius. As a clerk, he was familiar with the Vulgate, which he quotes, especially the Psalms, at every opportunity.

He had read the *Institutes*; but for the *Digest* he seems to have trusted to some Summa, or collection of Brocards. But if we remember that he was all his life in the company of the foremost men of his time, we shall the less hesitate to attribute much of his learning to the opportunities thus given to him. The store he sets by official tradition accounts at once for his knowledge and his misconceptions. Altogether he may be summed up as a man of affairs, liberally educated and knowing enough to do his work intelligently. He is in no sense a learned man.

Nevertheless two [1] references in the *Dialogus* might seem to show him in the character of an author. The *Tricolumnis*, he says, 'is a book which I wrote in my youth, containing the threefold history of England under Henry II, and I called it the "Tricolumnis," because it was in three columns. In the first column I put matters concerning the English Church, and some papal bulls; in the second column I placed the great deeds of the king, which are past belief; the third column contains many matters, public and private, and some legal proceedings. If you can get hold of this book, do not lose the opportunity; it will be both pleasant and profitable to students of the reign.' Now this is the tone of an elderly man looking back on a youthful performance, of which he is rather proud. It is, therefore, rather surprising to hear at a later date that this book contains an account of the king's conduct during the rebellion of his son in 1174; which must have been written when the author was already over forty years of age, and was just about to begin the composition of the *Dialogus*. Attempts have been made to reconcile the two passages [2], but the contradiction seems to us to remain apparent. It is, in fact, inconsistent with the idea of a finished historical work; nor indeed has any successful attempt been made to identify it among the chronicles that have come down

[1] I. v. O, P and II. ii. F.

[2] Liebermann, *Einleitung*, p. 68; Stubbs, *Benedict*, I. p. lx.

to us. Our own view, which we put forward with some diffidence, is that we ought to see in the *Tricolumnis* only the register-book of Richard Fitz-Neal, in which he set down anything that interested him. Such a book would probably remain in the Exchequer and would there perish by use or neglect, as so many Exchequer registers have perished. The chief difficulty of this view is the word 'edidi' in the first passage quoted above. But no view of the passages is free from difficulty, and it is hard to suppose that this book was ever published in the modern sense of the word. Probably 'edidi' means little more than 'wrote, compiled,' though 'condidi' would have been more natural in this sense.

It has been objected to this view that the *Tricolumnis* as described seems to have been rather a literary than an official composition. The ordinary type of official scrap-book, it may be readily granted, does not resemble the *Tricolumnis*. But it may fairly be urged that there is room for many books between the extreme types of the finished chronicle and the casual note-book. Our main contention is that the *Tricolumnis* was far removed from the first of these; but at the same time in care of selection, in orderliness of arrangement, and even in literary style it may have been far above the second. It cannot have been a continuous historical narrative.

In attempting to estimate the credibility of the *Dialogus de Scaccario*, the personal character, education, and career of the author must not be lost sight of. In matters of history his own personal evidence is no doubt good, e. g. when he quotes precedents for Exchequer decisions. His other statements, when their origin cannot be distinctly traced, have the value, or rather the worthlessness, of official tradition. They cannot be accepted without corroboration, and sometimes where an independent test is applicable (as in his account of the compiling of Domesday Book) they can be shown to have no near relation to the facts.

Again, in matters of actual practice the author's position at the Exchequer renders his evidence conclusive on points of daily occurrence, but there are distinct traces of antiquarianism in his descriptions, and it is clear that he often describes the Exchequer itself as it ought to have been rather than as it was. The list of officers present, for instance, must have shown considerable gaps on many occasions. Where he admittedly digresses beyond his own sphere his evidence, though valuable, must be received with

caution, e. g. on points of law and in his account of the assay as practised at the Exchequer. Further, on points of official privilege his testimony cannot be accepted as disinterested. Mostly, however, it is independently confirmed by records. His reticence on the privileges of the clergy is especially noticeable. When the canon law and the law of the realm come into collision, as for instance when a clerk becomes surety for a debt and is liable to imprisonment, he contents himself with commenting on the impropriety of the situation. Speaking generally, it seems proper to attach a very high value to his unchecked evidence, but not to accept it without reserve.

The Origin of the Exchequer.

The question we now have to consider is not the origin of a central department of finance, but the origin of the Exchequer as described in the *Dialogus*. A government without a financial department seems most unlikely; and we may therefore assume as a starting point that both the Dukes of Normandy and the Anglo-Saxon kings had their departments of finance [1], and that the same holds good of William I and William II as kings of England. But, granting these assumptions, the question remains, from which of the two sources, Normandy or England, did the Exchequer of Henry II derive its characteristics? If we analyse that institution, it will appear that the investigation can be divided into three branches: (1) the staff and constitution of the Exchequer, (2) the monetary system employed therein, and (3) the arithmetic in use. If we find all three traceable back to Saxon times, we must assume that William the Conqueror simply took over the system of Edward the Confessor; if not, we may suppose that more or less importation from Normandy took place.

Beginning with the staff and constitution of the Exchequer, we may say at once that our studies lead to the conclusion that the staff of the Exchequer is, with some exceptions, the staff of the king's household put to financial tasks and slightly influenced by their duties. To establish this we shall start with the 'Constitutio

[1] The Norman financial department was fully organized in 1130. See *Bernard the Scribe*, E. H. R. XIV. 427, by J. H. Round. Cf. *Cal. Documents relating to France*, No. 1388. For the Anglo-Saxon kings the History of Danegeld is conclusive. For William I cf. *Winton Domesday*, f. 9 b; *Domesday*, I. 49, which mentions Henry the Treasurer, who may even have been treasurer before the Conquest.

Domus Regis[1]' (c. 1135), and examine the organization revealed in that difficult document; we shall compare it with the organization of the Exchequer as given in the *Dialogus*, and thus show that, with a few exceptions, every important officer in the financial department has his place also in the household. It may be added, that the constitution of the household is so clearly of Frankish origin that it is not possible even to doubt that its organization was originally imported from abroad[2].

Before coming to the details of each office it is needful to make a brief study of the financial department as a whole. The first characteristic of it is its double nature. In it one office is superimposed upon another; there is an upper Exchequer and a lower. This lower Exchequer is concerned with the payment and receipt of money, and at its head stood the Treasurer and Chamberlains, to whom all writs dealing with these matters were addressed. The actual work of the lower Exchequer was performed by deputies of these officers, but the responsibility was upon the Treasurer and Chamberlains themselves. It is possible that the lower Exchequer and the Treasury, which is closely connected with it, are the actual successors of the Treasury of the Anglo-Saxon period; at any rate, its staff can be traced back to the Conquest.

The upper Exchequer was a court of account, of which the Treasurer and Chamberlains were members, but which contained many other officers having no connexion with the Treasury. It is simply the king's court for matters of finance. The king himself might, and sometimes did, preside[3]. Certain great officers always sat there, but the king might order other persons to do so by his special mandate. Like other courts, it had its records; and, in fact, the more we think of the Treasury as an office in the modern sense, the nearer we shall be to comprehending its action; and the more we think of the upper Exchequer as a court, the more nearly right shall we be on that side.

First of the officers constituting the court came the Justiciar. He appears simply as the king's representative, and as the head of either the Curia Regis or the Exchequer in the king's absence. Robert, Earl of Leicester[4], and after him Richard de Lucy, held this office during the first two-thirds of the reign of Henry II.

[1] *Red Book*, III. 807.

[2] See Madox, *H. E.* IV. § 5, p. 124.

[3] Ibid. IV. § 8, p. 129.

[4] Justiciar, 1154–1167. Cf. *Dialogus*, I. xi. D. Richard de Lucy was Justiciar 1167–1179.

Of the great officers of the household, two (the Steward and the Butler) have no seats at the Exchequer. But the Chancellor, the Treasurer and Chamberlain[1], the Constable, and the Marshal all appear either in person or by deputy. And these, with other persons who sat there by the king's order[2], were known as the Barons of the Exchequer.

The survival of this term in the Exchequer until recent years has earned for it an attention which it hardly deserves. In the *Dialogus* itself the word 'Baro' is normally[3] applied to the members of the Court of Exchequer. In one passage, however (II. xix), it is used of all tenants-in-chief, and we may fairly assume that that is the primary sense of the word in English records. Any court of the king is normally composed of tenants-in-chief, and consequently any member of such a court is normally a baron. Thus the king's justices were sometimes known as barons[4]. The members of the House of Lords and the burgesses of the Cinque Ports are still called barons; and the occurrence of the term in the Exchequer is in like manner a survival from the early organization of that court.

The next step in the argument is the comparison of the organization of the king's household under Henry I[5] with the account given of the Exchequer under Henry II.

In the former we find six officers each receiving an allowance of five shillings a day. These are the Chancellor, the Dapiferi or Stewards, the Butler, the Chamberlain, the Treasurer, and the Constables.

The Chancellor appears in the 'Constitutio' as the head of a department, which includes the Keeper of the Seal (or *Magister Scriptorii*) and the king's chaplain. In the Exchequer his staff consists of the 'cleircus qui preest scriptorio,' a clerk, and a scribe. Both in the Curia and in the Exchequer he is responsible for the sealing of all writs issued under the Great Seal, of which for this purpose a duplicate[6] is kept in the Treasury by the Treasurer and Chamberlains in a bag sealed with the Chancellor's own seal. In the Exchequer he is, as the keeper of the Chancellor's Roll, equally responsible with the Treasurer and Chamberlains for all the proceedings of the upper Exchequer. There is reason to think that

[1] These two officers are here considered together. Cf. 'Const. Dom. Reg.' (*Red Book*, III. 811).

[2] *Dialogus*, I. iv. B.

[3] Vide Glossarial Index.

[4] Madox, *H. E.* V. § 1, p. 134.

[5] *Red Book*, III. 807 seq.

[6] *Dialogus*, I. xv.

at the date of the *Dialogus* the Chancellor had ceased to be continually present at the sittings of the Exchequer [1], and it is clear that his duty of acting as a check on the Treasurer might be deputed to his clerk [2]. The holders of the office of Chancellor in the first two-thirds of the reign of Henry II were Thomas Becket (1154–1162) and Ralph de Varneville (1173-80). From 1162 to 1173 Geoffrey Ridel seems to have been Keeper of the Seal.

The principal member of the Chancery staff, who attended at the Exchequer by virtue of his office, was the 'clericus qui preest scriptorio [3].' He is apparently the same officer as the one described in the 'Constitutio' as 'Magister Scriptorii.' This office clearly grew in importance during its tenure by Robert de Sigillo in the reign of Henry I. At the Exchequer its duties seem not to have been personal. Its holder, it is true, appointed the Chancellor's scribe [4], and was responsible for his performance of the duties of his office; but there is nothing to show that his 'infinite labours' had any other connexion with the Exchequer. It is, indeed, probable that he ceased to attend there soon after the date of the *Dialogus* [5].

The third and most important member of the Chancery staff at the Exchequer was the Chancellor's clerk, though he did not serve 'proprio nomine,' like the officers just mentioned [6]. He was the Chancellor's deputy, and presumably did not sit 'ex officio.' His business was to [7] act as a check on the Treasurer in place of the Chancellor. He watched over the writing of the Pipe Roll and Chancellor's Roll, and saw that they agreed and that they were consistent with the Roll of the previous year. He also charged the Sheriff with the debts which were not a part of the 'Corpus Comitatus,' and was responsible for the preparation, the sealing, and the delivery of the summons in which such debts were recited. Besides this, he determined the form of the writs issued at the Exchequer, and kept duplicates of them, though it does not clearly appear that he sealed them [8]. When he acquired the power of taking the

[1] *Dialogus*, I. v. A, and again I. xv, 'sigillum a cancellario custoditur per vicarium.'

[2] Ibid. I. v. E. [3] Ibid. I. v. D. [4] Ibid. I. v. D.

[5] Professor Liebermann is inclined to infer from the remark 'quod norunt qui hec ipsa rerum experientia didicerunt' that Richard Fitz-Neal held this office before his appointment as Treasurer, *Einl.* p. 33, *n.* 2. About 16 Henry II Adam de Gernemue appears to have held it. See Walter Map, *De Nugis Curialium*, p. 231, and Madox, *Form. Angl.* No. CCXCI.

[6] *Dialogus*, I. v. C, I. vi.

[7] Ibid. loc. cit. and II. i. B, II. ii. C, II. xii. A.

[8] Compare *Dialogus*, I. v. D, E with *Dialogus*, I. xv.

Chancellor's place in sealing all Exchequer writs, he probably became in fact independent of the Chancellor, and received the title of Chancellor of the Exchequer. The date of this change is not known, but can be approximately arrived at from the following considerations. It is certainly later than 14 Henry III, on the Close Roll[1] of which year is a writ dated Nov. 8, in these words: 'Rex mittit baronibus de Scaccario Robertum de Sancto Medardo, clericum, ad scribendum ad scaccarium regis, loco Nicholai de Nevill, nomine R. Cicestrensis episcopi.' It is clear from this that Ralph de Nevill, Bishop of Chichester, the Chancellor, was at this date Chancellor also in the Exchequer. On the other hand, in 32 Henry III[2], Ralph of Leicester resigned the office of Chancellor of the Exchequer. Forthcoming publications will probably settle the matter past a doubt. In the meantime it may be suggested that 22 Henry III, when the king took the seal into his own keeping, is a likely date for the change to have taken place.

The Chancellor's scribe was the immediate subordinate of the 'clericus qui preest scriptorio[3].' His duties were to copy the Pipe Roll, while it was being written by the Treasurer's scribe, and to write all the writs issued out of the Exchequer by the Barons, including the summonses for the ensuing term. His pay was 5*d.* a day[4] during the session of the Exchequer, apparently the customary wages of a scribe[5]. It may be noted that he is the only member of the Chancellor's staff whose pay is given in the *Dialogus*. In process of time he became the officer known as the 'Comptroller of the Pipe.'

Passing over the departments of the Steward and Butler, which are not represented at the Exchequer, we come to the Chamberlain's department. In the 'Constitutio' there are two officers mentioned under this head, each receiving 5*s.* a day. These are the 'Magister Camerarius' and the Treasurer. The Chamberlain is a constant member of the Household, while the Treasurer only receives his allowance 'si in Curia fuerit et servierit in thesauro.' This seems to point to the separation between the Treasury and the 'Camera Curie' which we find at the date of the *Dialogus*[6]. Of

[1] Madox, *H. E.* IV. § 10, p. 132, n.
[2] Ibid. XXI. § 3, p. 580.
[3] *Dialogus*, I. v. O, S.
[4] Ibid. I. iii. G.
[5] In 8 Ric. I Thomas, the scribe of Hugh Peverel, receives 5*d.* a day for writing summonses of Aids, Hidages and Tallages. Madox, *H. E.* XXIV. § 4, p. 720, n.
[6] *Dialogus*, II. iii. C ; Madox, *H. E.* VIII. § 2, pp. 179 seq.

the subordinate officers mentioned in this department, some are only household servants; but among them occurs William Mauduit, who received 14*d.* a day, and seems to have been permanent only duty, and certain Chamberlains who received 2*s.* a day and served in rotation. There is also a 'Tallator Regis,' who receives his food and 3½*d.* a day for his man; and a Chamberlain without salary, who receives his food only. There is no clear line drawn between the officers concerned with Household duties and those who kept the privy purse, and it is noteworthy that the Treasurer and Chamberlain appear to rank as colleagues.

Before comparing this establishment with that of the Exchequer of Henry II it is necessary to consider its members a little more closely. It may be fairly assumed that the 'Magister Camerarius' was Aubrey de Ver, to whom the office was granted in fee by Henry I in succession to Robert Malet[1]. In 1130 we find him with Richard Basset acting as sheriff in eleven counties—Cambridge, Huntingdon, Surrey, Essex, Herts, Northampton, Leicester, Norfolk, Suffolk, Buckingham, and Bedford. We do not as yet find him acting as treasurer or receiving money in the 'Camera Curie[2].' The latter office appears to be performed by William Mauduit[3]. The 'Tallator Regis' may be the Godefridus Tallator who resided in Winchester[4], or the Robertus Tallator who had a woodman at Eling[5], in the New Forest.

It was from the staff of the Camera[6] that the principal members of the Exchequer court were drawn, but the fact that the Exchequer was both a place for the receipt and payment of money and a court of account introduces additional complications. The officers of the Camera are not divided between these two functions, but each officer has his seat in the Court and is represented at the Receipt by a deputy. The chief officer of the Camera—if it is proper to call him so—who sits in the Exchequer is the Treasurer[7]. His duties in the upper Exchequer are to receive the accounts of the sheriffs and to dictate the words of the Pipe Roll. He himself

[1] Aug. 1133; cf. Madox, *H. E.* II. § 8, p. 38, n. Will. Malm. *H. N.* ii. p. 535.
[2] Pipe Roll 31 Henry I.
[3] Ibid. p. 134.
[4] Ibid. p. 41.
[5] Ibid. p. 17.
[6] The word 'Camera' is here used for the department of which the Treasurer and Chamberlain are equally the head. The treasury being fixed while the Curia is perambulatory, we cannot expect to find the whole department described in the 'Constitutio,' but only that part which closely attends the king.
[7] *Dialogus*, I. v. B, Q, R.

examines the sheriff as to the 'Corpus Comitatus,' just as the Chancellor's clerk examines him as to the estreats[1]. He is personally responsible both for all that is done in the upper Exchequer and for the receipts and payments in the Exchequer of Receipt, where he has his deputy. But this responsibility is shared in both branches of the Exchequer by the two Chamberlains, who are the Treasurer's close colleagues[2]. Their personal duties in the upper Exchequer do not seem to extend beyond sharing the Treasurer's responsibility. They also have their deputies in the Receipt.

The remaining officer of this department in the upper Exchequer is the subordinate of the Chamberlains, the clerk or serjeant who produces the counterfoils of the tallies issued in the Receipt and cuts new tallies, or alters the old ones as the accounts of the sheriffs may demand. It will be seen that as the writing of the roll is the peculiar duty of the Treasurer, who was a clerk, so the cutting of the tallies devolves on the Chamberlains, who were lay barons; and the same division of labour will be found in the Receipt.

A consideration of the persons who occupied these posts in the reigns of Henry I and the earlier part of that of Henry II will illustrate the close connexion between the 'Camera Curie' and this branch of the Court of Exchequer. But before entering upon the details of this subject a few preliminary difficulties must be stated. First, the authorities at our disposal do not discriminate between the Exchequer staffs of England and Normandy[3]. A man may be mentioned simply as Treasurer, and no added word shows whether he is Treasurer of England or of Normandy. Next the word 'chamberlain' is very loosely used, being sometimes applied to persons who have clearly no connexion with the Exchequer. Many of our problems turn upon difficult questions of genealogy, and, as will appear, there are other stumbling-blocks.

As to the Treasurer: it is not clear who held this office under Henry I. According to William of Malmesbury[4], Roger, Bishop of Salisbury, combined the duties of Justiciar, Chancellor, and

[1] *Dialogus*, II. iv. E. [2] Ibid. I. v. G.

[3] It may even be suggested that under Henry I the two administrations were not distinct. Note for instance the presence of the two chamberlains Clinton and Mauduit in Normandy (Pipe Roll 31 Henry I. p. 37); and compare the position of Osbert de Pont de l'Arche and Nigel, the bishop's nephew (ibid. pp. 37, 54, and 63).

[4] *Historia Novella*, II. ii. p. 558 (Rolls Series).

Treasurer. In 1130, however, the office of Chancellor was held by Geoffrey, afterwards Bishop of Durham; and it is probable that Geoffrey de Clinton was Treasurer[1] as well as Chamberlain. The Pipe Roll of 31 Henry I[2] mentions him as paying for the 'ministerium thesauri Wintonie'; and he had also[3] been engaged in financial business in Normandy in conjunction with Robert Mauduit, the other Chamberlain. It might, however, be held that Roger, Bishop of Salisbury, remained Treasurer until the date of the collapse of the administration under Stephen. It is probable, but by no means certain, that the first Treasurer of Henry II was Nigel, Bishop of Ely; but from 1168[4] the Treasurer was Nigel's son Richard, the author of the *Dialogus*. The office of Treasurer was not a serjeanty, and was not connected with the possession of any land; but the two Chamberlains were both laymen, and held their offices as serjeanties. The story of one of these offices can be traced with some approach to completeness[5].

In Domesday we find a certain William Mauduit in possession of Porchester[6] and of the manor of Hartley Mauduit in Hampshire. His son, Robert Mauduit, who presumably inherited these manors, was one of the Chamberlains[7] under Henry I. He died about 1129–30, leaving a daughter and heiress, who was purchased by William de Pont de l'Arche[8], together with her inherited office, for 1,000 marks. At the same time William also acquired for himself the 'ministerium camere curie,' which was probably the office mentioned in the 'Constitutio' as held by William Mauduit the younger, brother of Robert. In this way it might have been supposed that the whole office would have passed into the family of William de Pont de l'Arche, who certainly exercised the office in 1129–30[9], and continued to hold it until after the accession of Stephen[10]. But shortly before his accession we find[11] that

[1] He is styled Treasurer and Chamberlain in a charter of Henry I permitting him to found the church of St. Mary, Kenilworth (Madox, *H. E.* II. § 8, p. 40, n.).

[2] Pipe Roll 31 Henry I. p. 105.

[3] Ibid. p. 37.

[4] Pipe Roll 14 Henry II. p. 222. Nigel of Ely is said to have purchased the office for his son Richard in 1158. *Historia Eliensis*, p. 627.

[5] See J. H. Round, *The Commune of London*, pp. 81–83.

[6] *Domesday*, 47 b.

[7] Pipe Roll 31 Henry I. p. 37. Robert Mauduit and Geoffrey de Clinton appear as colleagues.

[8] Ibid. p. 37.

[9] Ibid. pp. 129, 130, where he accounts to Brian Fitz-Count and the Earl of Gloucester for the money in the treasury of Winchester.

[10] Will. Malm. *H. N.* ii. p. 538.

[11] J. H. Round, *Commune of London*, p. 82.

Henry II restored to William Mauduit, the younger brother of Robert Mauduit, not only the office of Chamberlain, but also the castle of Porchester, and all lands appendant to that office and castle. This grant, so far as the castle of Porchester goes, never took effect, but there is abundant evidence that the office of Chamberlain returned to the Mauduit family in the person of William Mauduit, who was succeeded by his son William, probably in 1158[1]. This William, the younger, is mentioned as sitting in the Curia Regis[2] as Chamberlain at Michaelmas, 1165; and first appears on the Pipe Rolls as Chamberlain in 1167. The *Testa de Nevill*[3] shows another William as still possessed of the office of Chamberlain and the connected manor of Hartley Mauduit.

The story of the other chamberlainship is more obscure. It has already been said that in 1130 Geoffrey de Clinton held the other chamberlainship. We have not been able to connect this office with any definite estate during his tenure of it, nor can we trace any connexion between him and Warin Fitz-Gerald, who appears as Chamberlain with William Mauduit in 1156. But from that point the descent of the office is clear, and is associated with the tenure of the manor of Sevenhampton in Wiltshire[4]. Warin held the office until 1161, and was then succeeded by his brother Henry, who was succeeded by his son Warin Fitz-Henry in 1174. Both the Fitz-Geralds are mentioned on the earlier Pipe Rolls as receiving money 'in camera curie' and we see that the Chamberlain of the Household was still closely connected with the Chamberlain of the Exchequer[5].

In the Exchequer of Receipt almost the whole staff is made up of the deputies of the Treasurer and Chamberlains. The former is represented by a clerk, and the two latter by knights, who receive the usual wages[6] of a knight, viz. 8*d.* a day. The clerk secures the treasure chest with a seal, and each knight has a key; so that all three are jointly responsible for the custody of the treasure. The clerk keeps his account in writing, and the knights[7] by tallies, just as in the upper Exchequer. These three officers

[1] Eyton, p. 34. [2] Ibid. p. 85. [3] *Testa de Nevill*, p. 231.

[4] J. H. Round, *Commune of London*, p. 83.

[5] A passage in Matthew Paris, *Historia Anglorum* (Rolls Series), II. p. 353, suggests that Henry III abolished the hereditary Chamberlains (together with other such offices) and substituted Stephen de Segrave and Robert Passelewe.

[6] J. H. Round, *Feudal England*, p. 271.

[7] As laymen they would be *ex officio* incapable of writing.

represent the treasurer and chamberlains so exactly that they are even called by their masters' titles. The actual counting of the money devolved upon four tellers, whose counting was checked by the knights. In the reign of Henry III these posts were in the gift of the Treasurer [1], on whose behalf the tellers acted.

From the Pipe Rolls of 18–22 Henry II, quoted by Madox [2], it would seem that the office of 'clericus thesaurarii' was then held by Andrew the Clerk, who had an assistant, Richard. These two were engaged in moving treasure [3] from place to place with the help of Otes of Falaise, Waleran of Cricklade and Richard of Windsor. Of these three it may be suggested that Waleran of Cricklade is the deputy of Warin Fitz-Henry, and in that case Otes of Falaise will be the deputy of William Mauduit. Richard of Windsor is presumably the pesour or *miles argentarius* of the *Dialogus*.

There are two officers of the Treasury staff who occupy a peculiar position. They are not attached either to the upper or lower Exchequer [4], are independent of any other official, and probably date from the time when there was a Treasury and no Exchequer. They only appear in connexion with the blanching of payments and, being laymen, hold their offices like the other laymen by serjeanty and directly from the king. These are the pesour [5], already mentioned, and the melter. Their functions are so closely connected with the monetary system, that they may be left to be discussed under that head.

Of these two serjeanties that of the pesour may be conjecturally traced back to Domesday. The manor of Broadwindsor in Dorset is there placed under the head of 'Terra servientum Regis,' and was held by Hunger, son of Odinus [6]. This family acquired the manors of Herbert the Chamberlain at 'Larode' and Soberton in Hampshire, and held all three by this serjeanty at a later date [7]. Madox traces the office from 4 John to 48 Henry III, when it was conveyed to Adam de Stratton by way of mortgage [8].

We do not know what lands were held by the serjeanty of

[1] Madox, *H. E.* XXIV. § 12, p. 739.
[2] *Dialogus*, p. 6, n.
[3] Ibid. I. iii. E.
[4] Ibid. A; I. vi. F.
[5] We should have preferred the term 'weigher,' but have adhered to the language of Madox.
[6] *Domesday*, f. 85 a.
[7] See J. H. Round in *Victoria History of Hampshire*, I. pp. 431 seqq.
[8] *H. E.* XXIV. § 13, p. 740.

melter; but it appears that William the Melter, who died about 4 Richard I, had lands[1]. There is a Richard Fundor named in the Pipe Roll of 3 Henry II[2], and a Gilbert Fusor occurs in 26 Henry II[3], but he may have been employed in the recoinage of 1180, and not in the Exchequer. In 24 Henry III, Otes, son of John the Melter, sold the serjeanty to Edward, son of Otes the Goldsmith, apparently a member of the well-known family of Fitz-Otho, which held the office of cutter of the dies. And in 13 Edward I the king purchased the office from Otes of Westminster, possibly the representative of that Edward[4].

The usher of the Exchequer and the usher of the Receipt may most conveniently be discussed as one officer. The *Dialogus* is not indeed explicit upon this point; but there is reason to think[5] that the usher of the Receipt serves in the name of the usher of the Exchequer. The passage[6] in which the treatise states him to be the servant of the Treasurer and Chamberlains is not inconsistent with this view. But it can be shown from other sources that the ushers of the Receipt and of the Exchequer were only another instance of a duplicated office. Roger of Wallingford, who is mentioned as 'ostiarius Thesauri[7]' in 2 Henry II, received the 'Magistratus Hostierie de Scaccario' by a charter[8], which is dated by Mr. Eyton as about Michaelmas in that year. Assuming, therefore, tha we are only dealing with one office in two different places, it may be pointed out that we have here an old office belonging to the original staff of the Treasury and Chamber. Like the offices of the Chamberlains, the weigher, and the melter, it was a serjeanty; and was connected with the manor of Aston Rowant[9] (Estone) in Oxfordshire, which is mentioned in Domesday among the 'Terre Ricardi et aliorum ministrorum regis.' Both in the 'Constitutio[10]' and in the *Dialogus*[11] there is an apparent connexion between the offices of the usher and the marshal. But closer inspection makes it probable that the usher is primarily an officer of the Treasury, and not, like the marshal, an officer of the Curia.

[1] Madox, *H. E.* XXIV. § 14, p. 741.
[2] Pipe Roll 3 Henry II. p. 104.
[3] Madox, *H. E.* IX. § 3, p. 197, from the Pipe Roll.
[4] Madox, ibid.
[5] See I. iii. A, where it appears that the usher of the Receipt is a deputy.
[6] I. iii. G.
[7] Pipe Roll 2 Henry II. p. 4.
[8] Madox, *H. E.* XXIV. § 4, p. 718, n.
[9] *Domesday*, 160 b; Madox, loc. cit. p. 720.
[10] *Red Book*, III. 812.
[11] I. iii. H.

The usher has a deputy in the Common Bench[1] and not in the King's Bench. The marshal, on the other hand, had his deputies both in the Exchequer and in the King's Bench[2]; but the marshal of the Common Bench was a deputy of the marshal of the Exchequer. A few words must suffice for the devolution of the office of usher. From 1156 to 1167 it was held by Roger of Wallingford. His successor was Elias, who seems to have held the office as guardian[3] of the widow and heirs of Roger; he retained the office until 1191, when Laurence, presumably the son of Roger, became usher; and the office continued in the family of de Scaccario, as it grew to be called, until 1304, when it was divided between coheiresses[4].

The office of usher of the Receipt seems to have become separated at some time from that of usher of the Exchequer, since in 18 Edward I Adam de Stratton[5] held a moiety of it, which he presumably acquired by purchase.

The remaining department of the king's Household is that of the constables. Their number is not specified, nor whether, as is probable, they served in turn. If so we may regard the constable on duty with 5*s*. a day salary as the head of the department, having under him John, the chief marshal, with a salary of 2*s*. a day. The chief marshal thus holds a position like that of William Mauduit in the Chamber, or the Keeper of the Seal in the Chancery. The constables' department includes the whole outdoor staff of the Household, especially those who have to do with horses or hunting. The marshal has the special duty of witnessing all expenditure by the king's officials, and keeps account by means of tallies (*dicas*) both of payments out of the Treasury and Chamber and of other expenditure[6]. This right of general supervision may be the 'Magisterium in Curia Regis de Liberatione Prebende' for which John the Marshal owed forty marks of silver in 31 Henry I[7].

In the Exchequer the staff of this department consists of the constable[8], his clerk[9], and the marshal[10]. Their functions in the Exchequer resemble their functions in the Household. These three form an independent court for the purpose of paying all soldiers

[1] Madox, *H. E.* XXIV. § 4, p. 718.
[2] Ibid. II. § 5, p. 33.
[3] Pipe Roll 16 Henry II. p. 30.
[4] Madox, *H. E.* XXIV. § 4, p. 721.
[5] *Red Book*, p. cccxxi.
[6] Ibid. III. p. 812.
[7] Pipe Roll 31 Henry I. p. 18.
[8] *Dialogus*, I. v. F.
[9] Ibid. I. vi. D.
[10] Ibid. I. v. C, H.

and all persons connected with hawks and hounds who come to the Exchequer for their wages. The duty of attesting writs for payments out of the Treasury here nominally falls to the constable, but it is clear that he seldom, if ever, executed that duty[1].

The constable's clerk also performed his duties by deputy[2]. He cannot be identified clearly with any officer named in the 'Constitutio Domus Regis'; in the Exchequer his special function is to attend with the duplicates of the writs issued in the Curia.

The marshal in the Exchequer has the custody of the vouchers presented by all accountants; he keeps the prison of the Exchequer, administers oaths, and delivers the writs of summons to the usher to be served. Originally the marshal of England performed these duties in person[3], but afterwards they fell into the hands of a clerk, like the clerk of the constable; and both these clerks continued to officiate until the fourteenth century[4].

The succession of the office of constable is obscure[5]. Ultimately it became hereditary in the family of the Bohuns, afterwards Earls of Hereford and Essex; but the process by which they acquired it is not clear. The first constable under Henry II was the well-known Henry de Essex, who forfeited the office in 1163, when vanquished in the judicial contest at Reading. The next holder of the office was Humphrey de Bohun, who seems to have obtained it soon after coming of age in 1174[6]. It is possible that his appointment was due to his relationship to Miles of Gloucester, who had been one of Stephen's constables, and on quarrelling with Stephen became the constable of the Empress Maud. At the same time, Humphrey cannot have inherited the office of constable, or even the 'honor constabularie,' from Miles, since neither Roger nor Walter of Hereford, the sons of Miles, appear as constables in the reign of Henry II[7]. As has been said, the office continued in the

[1] *Dialogus*, I. v. F.
[2] Ibid. I. vi. D.
[3] Cf. Fitz-Stephen's account of John the Marshal (*Becket Materials*, p. 51) quoted below, I. v. M. *note*.
[4] Madox, *H. E.* XXIV. §§ 5, 6, pp. 724 seqq.
[5] Cf. J. H. Round, *Geoffrey de Mandeville*, p. 327, n.; also Pipe Roll 15 Henry II. p. 111.
[6] Pipe Roll 20 Henry II. p. 51; Eyton, p. 186. He came of age in 1170. Pipe Roll 16 Henry II. p. 61. The 'honor constabularie' ceases to appear as an item upon the Pipe Roll about the date of Humphrey's first appearance as constable.
[7] Neither in Pipe Rolls 2–4 Henry II, nor in the documents known to Mr. Eyton.

Bohun family, though it cannot be assumed that at first it was held by inheritance.

The office of marshal[1] during the reign of Henry II was held by John the Marshal, whose name frequently occurs on the Pipe Rolls, and whose presence at the Exchequer is referred to by Fitz-Stephen. In 3 Henry II he is found making certain payments to falconers[2], as described in the *Dialogus*.

The remaining officers of the Exchequer cannot be assigned to any department of the king's Household, and may perhaps be regarded as specially appointed to act in the Exchequer as such. It is particularly remarked that the office of 'calculator[3]' 'nulli illic residenti convenit ex officio nisi cui Rex vel Iustitia mandaverit exsequendum,' though we know that it fell ultimately into the hands of the marshal of the Exchequer[4].

Two offices appear to have been created by Henry II in addition to the old staff of the Exchequer, and in neither case does the *Dialogus* give us any hint as to the titles borne by their occupants. The first of these two, Richard of Ilchester, Bishop of Winchester, is described as sitting 'ex officio quidem sed ex novella constitutione[5].' His duties[6] seem to consist in assisting the Treasurer in all his work, especially in the writing of the roll. The office seems not to have continued[7], and perhaps never received any special name.

The other office which was also created 'ex novella constitutione[8]' seems also to have been a temporary one. The holder of it was Master Thomas Brown, the king's almoner[9]. His duties were to watch and record all proceedings in the two Exchequers on the king's behalf. He had a staff of two clerks, one sitting behind the writer of the Pipe Roll and keeping a roll, which was the special property of his master, and the other in the Receipt keeping a controlment roll of issues and receipts in the lower Exchequer.

The roll kept by him and his clerk in the upper Exchequer presents some difficulties. The language of the first passage in

[1] For the descent of the office of marshal, cf. J. H. Round, *Commune of London*, pp. 302 seq.

[2] Pipe Roll 3 Henry II. p. 104.

[3] *Dialogus*, I. v. L.

[4] Ibid. B.

[5] Ibid.

[6] Ibid. I. v. P. For the life of Richard of Ilchester see *Dict. Nat. Biog.*

[7] It is not clear whether the Bishop of Winchester is an assistant to the Treasurer or a check upon him. We incline to the former view, notwithstanding the words 'indempnitati providetur' (*Dialogus*, I. v. Q); but it must be noted that the author was himself Treasurer.

[8] *Dialogus*, I. v. C.

[9] Ibid. C, D; I. vi. D, E.

which it is mentioned suggests that it was an accurate copy of the Pipe and Chancellor's Rolls. In the second passage it is described in grandiloquent terms as containing 'iura regni regisque secreta.' The two descriptions seem incompatible, and we do not see how to reconcile them.

It has been remarked above that the appointment of Thomas Brown was a purely personal one; no successor to him is known, and no trace remains of his roll or of that kept by his clerk in the lower Exchequer. But there is reason to think that in form and function he is represented in the final form of the Exchequer. The King's Remembrancer seems, in later times, to have done very much what he did; and though there is no clear continuity between the offices, the great likeness between them is worth noting. In the same way the functions of the clerk in the lower Exchequer are at a later date performed by the Auditor of the Receipt. Here again there is no stated continuity of office, only a similarity in function.

The statements of the *Dialogus*[1] as to the payment of the Exchequer staff are confirmed by the Issue Roll of 9 Henry III, quoted by Madox[2]. It will be observed that these customary payments are only made while the Exchequer sits, and that the Receipt cannot therefore be regarded as a permanent department[3], but merely as a branch of the Court of Exchequer. Further, with the exception of the Chancellor's scribe, all those who have payments out of the Treasury are inferior officials of the Treasury staff. Some of them undoubtedly acted on Exchequer business while the Exchequer was not sitting[4], and in such cases were specially paid by orders on accountants. The other members of the court presumably had fixed allowances as members of the Household, payable by the 'Camera Curie,' or else were paid by the persons on whose behalf they acted. We know at least that under Henry I the Chancellor had his 5*s*. a day[5] while sitting at the Exchequer, but it does not appear how that salary was normally paid. With regard to those persons who must have had duties at the Treasury when the Exchequer was closed, such as the deputy-chamberlains, the usher, and probably the watchman, it may be suggested that those who held serjeanties had no other allowance for their duties at the

[1] I. iii. F, G. [2] *H. E.* XXIV. § 14, pp. 741 seq.
[3] Cf. Round, *Commune of London*, p. 80.
[4] Pipe Roll 1 Richard I (quoted by Madox, *H. E.* XXIV. § 1, p. 737, n.).
[5] Pipe Roll 31 Henry I. p. 140.

Treasury, and that the others were paid either by the persons whose servants they were, or else by grants of land for life. In some way or other every one who sat at the Exchequer appears to have been paid[1].

In fine, it appears that the Exchequer of Henry II consists of the 'Curia' imposed upon the 'Treasury' as a court of control; that the Treasury is the older of the two, and shows signs of pre-Norman origin.

The Treasury and its staff appear to be the earliest portion of the Exchequer; and it may be added that no part of the Treasury staff seems more primitive than that connected with the farm of the county and the method of its payment[2]. As is well known, in the majority of the English counties the various annual sums due to the king as the farms of his demesne manors, together with the estimated yield of the 'pleas of the county,' were stated as a lump sum, for which the sheriff was responsible. The total was, as a rule, payable in weight of assayed silver, and the actual coins paid in by the sheriff were received at a rate fixed by their weight and fineness as determined by an assay[3]. No other debts were payable in this manner at the Exchequer in the reign of Henry II, and, so far as we know, the same holds good of the reign of Henry I[4].

The payment and assaying of the farm was conducted by an elaborate process, not unlike that of the more modern trial of the Pyx. Of all this process a full account is given in the *Dialogus*, but the author is significantly silent upon two principal points of interest, where his silence may best be explained as the result of his ignorance. Inasmuch as he is not likely to have been ignorant of a process recently introduced, we are entitled to suppose that the process of blanching the farm of the county was of some antiquity even in the earlier part of the twelfth century.

The system adopted was, shortly, as follows: The tellers in the Receipt set aside forty-four shillings by tale for the assay[5] in a purse to which the sheriff set his seal. On the day of the assay this purse was brought into the upper Exchequer by the pesour (*miles argentarius*)[6], and a fair sample of the pence was weighed against a standard pound and counted to see whether there were only 240

[1] Cf. *Dialogus*, I. viii. G.
[2] Round, *Commune of London*, pp. 650 seq.
[3] *Dialogus*, I. iii. D; vi. I; vii. D.
[4] The farm of some estates which accounted separately, e.g. Bosham, Faringdon, &c., are regarded as *ejusdem generis* as the farms of the counties.
[5] *Dialogus*, I. iii. D, E.
[6] Ibid. I. vi. F, seqq.

needed, or more. In either case a pound by tale (i.e. 240 pence) was placed in a cup to be assayed, while the remaining twenty-four shillings were returned to the purse. The melter received his fee of 2*d.*, and two sheriffs were appointed to accompany the sheriff whose money was under examination and act as witnesses. The pesour and the three sheriffs then went to the furnace, where the melter awaited them. The coins were recounted, first by the pesour and then by the melter, who proceeded to assay them. As the description of the process is confusing, a full translation is here given:

'The melter takes the coins in his own hand, counts them and arranges them in a cupel, or test of wood ashes (*vasculum ignitorum cinerum*), which is in the furnace. He then reduces them to an ingot (*massam*) according to the rules of the melter's art, melting and purifying the silver. But he must be careful not to stop before the process is complete, nor to vex and consume the silver by unnecessary heat; since, in the former case the king, in the latter the sheriff, would lose. He must take every care and exercise all diligence that the silver be not consumed, but only thoroughly refined by heat (*ad purum excoquatur*); those who are sent by the Court must give heed to this same point. Now, when the test-piece is made, the pesour takes it to the barons, accompanied by the others, and weighs it before all their eyes against the pound weight mentioned above: he proceeds to supply what the fire has consumed by adding pieces out of the purse until the test-piece balances the pound weight. Then the test-piece is marked with chalk with these words, "Yorkshire. The pound burnt so many or so many pence," and then it is called an "assay," for it is not marked until it has been admitted that it should be so marked. But if the sheriff whose assay it is challenges it on the ground that an undue quantity has been consumed [*sc.* by overheating or by the melting of the silver into the lead], or if the melter admits that for some reason the test has failed, twenty shillings are once more to be counted out from the remainder in the purse, so that the test may be repeated as before.' Again[1]: 'As long as a certain black cloud is seen floating about on the surface of the molten silver the test is considered incomplete. But when certain minute grains, as it were, are brought up from the bottom to the top and there dissolved, it is a sign that the process is finished.'

[1] *Dialogus*, I. vi. K.

No payment was made to the melter for repeating the test[1], and the test-pieces, when done with, were put by to be used for making silver plate, or for coinage for use abroad[2].

Two serious difficulties arise in connexion with this account, and throw grave doubts on its accuracy. In the first place, the only mention of the use of lead is in the passage *ignis scilicet ex estuatione vel plumbi infusione*; and this passage, though supported by all the MSS., has the form of a gloss. Furthermore, it is very difficult to understand[3]. The use of an ash test, or cupel, instead of an ordinary crucible, does indeed imply that lead was used[4]; but it seems clear that Richard the Treasurer had no idea of the reason for its use, and consequently attached no importance to its presence. He was, however, confessedly ignorant of metallurgy[5], and even skilled metallurgists of a later date are inclined to regard the lead as merely protecting the silver from volatilization[6]. Moreover, the test of the completion of the process quoted above is consonant with the view that cupellation was employed, since it may well refer to the phenomenon known as 'brightening.' We may probably, therefore, assume that the difficulties of the passage are solely due to the ignorance of the author. In the second place, it will be observed that the test-piece, as it leaves the melter's hands, is assumed to be pure silver. Consequently, if the account in the *Dialogus* were correct, blanch payments would have been made on a pure silver basis; that is to say, the sheriff would only have been credited with the weight of pure silver actually paid in. There is no mention of any allowance being made for alloy.

Now the account of the origin of blanching given in the *Dialogus*[7] implies that the process was intended only to guard against wear of the coin, clipping, and false coining[8]; that is to say, that the sheriff's payment was reduced from its current value to its value in standard silver. We must conclude that the author of the *Dialogus* regarded the standard silver as being pure silver[9]. It can, however, be shown that this was not the case. Actual analysis of the coins leads to the conclusion that the 'old standard of England'

[1] *Dialogus*, I. vi. I.
[2] Ibid. I. iii. E.
[3] See Notes ad loc.
[4] Cf. J. Percy, *Metallurgy*, *Lead* (ed. 1870), p. 178.
[5] *Dialogus*, I. vi. K.
[6] Cf. Albertus Magnus (fl. 1280), *Mineralia*, III. i. 8; IV. 3 ad fin. and 5.
[7] *Dialogus*, I. vii. A–D.
[8] Cf. ibid. I. iii. E.
[9] It would be easy to quote chroniclers in support of this view; e.g. William of Jumièges (a° 1125), p. 303 (ed. Duchesne) and Symeon of Durham (a° 1124), II. p. 281 (Rolls Series).

(i. e. silver with 18 dwts. of alloy to the lb.) had subsisted from Saxon times[1]. Consequently had blanch payments been estimated in pure silver the sheriff would never have had less than eighteen pence in the pound to pay for the loss on the assay.

The *Dialogus* shows that 12*d*. was considered a safe allowance for the difference between payments blanch and payment by tale when the money, being a payment out by the sheriff, could not be submitted to assay[2]. We learn also from the Pipe Rolls that as little as a penny in the pound might be deducted in such cases[3]. In 19 Henry II the recorded combustions at Michaelmas varied from 4*d*. for Northamptonshire to 19*d*. for Devonshire and the same for the town of Southampton[4].

We cannot therefore suppose that the payments blanch were reduced to their value in pure silver, and are consequently driven to conclude that the author's ignorance of the process of the assay led him to omit all mention of the presence of the 18 dwts. of alloy in each pound of standard silver.

Payment in blanch money was not the only form of payment at the Exchequer. In the time of the *Dialogus* payments were also made in tale, and at an earlier date two other systems known as *ad scalam* and *ad pensum* had been employed. The most connected statement made by the *Dialogus* on the whole subject is in the form of a history[5] of the farm of the county and its method of payment. No precise dates are given in this account, which starts with a system of purveyance alleged to date from the reigns of William I and William II. Under this system the sheriff was answerable for the farms of the king's demesne manors in the county. But these farms, though estimated in money, were paid in kind[6] directly to the officers of the king's Household, and credited to the sheriff at

[1] The figures given by Sir William Roberts-Austen in 1884 (*Journal of the Society of Arts*, vol. XXXII. p. 842) from analyses of coins are as follows: Ethelred II, 918·1; Canute, 931; Edward the Confessor, 943·2 and 940·4; William I, 922·8. Besides these Sir William kindly examined coins of Henry I and Henry II (before 1180) for us. These were of fineness 914·7 and 923·8 respectively. Here the worst coin has 20·5 dwts. alloy to the pound and the best, 13·37 dwts. The approximation to the old standard is thus quite sufficiently near.

[2] *Dialogus*, II. xxvii. C.

[3] Pipe Roll 7 Hen. II. pp. 22, 54.

[4] Pipe Roll 19 Henry II. pp. 198 seqq. On the whole subject cf. Madox, *H. E.* IX. § 3, pp. 192 seqq.

[5] *Dialogus*, I. vii. Cf. however on this passage J. H. Round, *Commune of London*, p. 66; from whose view we have differed on some points.

[6] Compare the Scottish practice at a later date as shown in the *Exchequer Rolls of Scotland*, vol. I, *passim*. In Scotland many of the payments were still estimated in kind.

a fixed tariff. If for any reason the payments in kind were insufficient to discharge the sheriff's debt, we are left to suppose that the difference was paid in money. This system lasted until the reign of Henry I, when two causes brought about an alteration. In the first place the king began to require actual coin; and in the next place the burden of transporting the produce demanded produced serious complaints. Accordingly a commission was appointed to examine into the whole question; the food payments were replaced by money payments; the farm charged upon the sheriff was revalued; and it was ordered that he should be responsible for the payment of the whole, and pay at the Exchequer[1] *ad scalam*. This last term is explained to imply an extra payment of 6*d*. on each pound to cover any loss that might arise from the wear of the coin. In process of time the wear of the coinage compelled the introduction of payments *ad pensum*, or by actual weight of silver[2]. Finally Roger of Salisbury, when Treasurer, made the rule that owing to the debased state of the coinage all silver paid in was to be tested, and the farm paid in silver of proper fineness. This was called payment blanch, and was usual under Henry II.

Now it must be observed that the account is completely traditional except in one point, viz. where the author appeals to the fact that entries of payments *ad scalam* and *ad pensum* occur on the Pipe Rolls of Henry I. Nevertheless the tradition is good of its kind. Nigel, Bishop of Ely, nephew of Roger of Salisbury and father of our author, was employed in the king's service in 1130 as Treasurer of Normandy[3], and his evidence would be good as to the practice under Henry I. Richard Fitz-Nigel further cites men whom he has seen himself, who had themselves seen the provisions brought to the king's court. The period to be bridged is short—A.D. 1100 to A.D. 1180—only eighty years. We must therefore be careful not to reject the story of the *Dialogus* without due consideration.

We may now turn to the other passages in the *Dialogus* in which these methods of payment are mentioned. The most striking of these (I. iv) is remarkable for two reasons. On the one hand it recognizes that blanch farm goes back to Saxon times,

[1] Note that this is the first appearance of the word 'Exchequer' in the story; the food payments were made to the Curia.

[2] *solum* in *Dialogus*, I. vii. C should not be pressed.

[3] Round, *Cal. of Documents, France*, I. No. 1388.

and adduces the evidence of the country people on the royal demesnes 'who have learned from the fathers how much in the pound they are to pay.' On the other hand it contains a passage [1] which makes two misleading assertions: (*a*) that blanch farm is not mentioned in Domesday, (*b*) that blanch farm was invented by Roger of Salisbury. This latter passage may we think be safely rejected as a gloss on literary grounds alone. Its contradiction of the rest of the *Dialogus* may be held to confirm that view.

In another passage [2], while the assertion that money paid in by the sheriff is blanched by assay remains, we find that the farm of a *fundus* is blanched by the profits of the hundred court. This, taken with the passage referred to above, seems to imply that (*a*) the tenant paid an extra allowance for blanching at a fixed scale, (*b*) that he recouped himself from the profits of the hundred court when they were granted to him; otherwise the allowance was found by the sheriff from the same source [3].

We may accordingly say that except for the passage already rejected the account of blanch farm in the *Dialogus* is not necessarily inconsistent with itself. Turning to the evidence not contained in the *Dialogus*, we must first consider that of Domesday Book.

Here the only evidence available as to payments is to be found as a rule in the surveys of the *Terra Regis*. There are one or two trifling exceptions, e.g. amongst the lands of the Bishop of Bayeux, in Count Eustace's lands in Essex and Herts and also in certain lands, apparently an escheat, in Norfolk and Suffolk. We cannot therefore assume that such methods of payment as we find there were, or were not, peculiar to the king's lands. It will also be noticed that Northumberland, Cumberland, Westmoreland, and Durham do not appear in the Domesday return. In Shropshire and Cheshire the king held no lands. In Sussex he had Bosham, which is always accounted for separately, and Rotherfield, which was land of the Bishop of Bayeux. The land he held between Ribble and Mersey was an escheat, and his possessions in Middlesex were insignificant. It will be observed that the counties

[1] 'Videtur autem . . . annotantur.'

[2] *Dialogus*, II. iv and v.

[3] A charter of Henry III (Charter Roll 12 Henry III. m. 9), dated Feb. 18, 1228, granting the manor of Basingstoke with the hundred to the men of Basingstoke, fixes the farm thus: Old farm, £52; formerly paid to the sheriff for blanching, 52*s.*; increment, £18; total, £72 12*s.*

which subsequently accounted *numero* were Cornwall, Cumberland, Lancaster (the honour, not the county), Northumberland, Rutland, Shropshire, Sussex[1]. We may accordingly conclude that no county accounted *blanch* unless it contained ancient demesne[2].

Now the forms of money payment recorded in Domesday may be divided into five groups as follows:

I. Payment by tale — 'numeratas,' 'ad numerum,' or 'ad compotum.'

II. Payment by tale of coins of standard weight—'de viginti in ora,' 'ad numerum de viginti in ora,' and in a single instance, 'ad pondus de viginti in ora' (i. e. twenty to the ounce)[3].

III. By weight—'pensatas,' 'ad pensum,' 'ad pensam,' 'ad pondus,' 'ad peis,' 'de . . . oris,' 'cum pensione,' 'ad pensum regis,' and once (at Tring in Hertfordshire, which belonged to Count Eustace) 'ad pensum comitis.'

IV. By weight in silver of approved fineness—'arsas et pensatas,' 'ad arsuram et pensum,' 'ad pensum et arsuram,' 'ad pondus et arsuram,' 'ad pensam et arsuram,' 'cum pondere et arsione,' 'ad ignem et ad pensum,' together with a group of apparently equivalent expressions—'albas,' 'candidas,' 'de firma alba,' 'de albo argento,' 'blancas,' and 'blans.'

V. By tale in coins of standard weight and fineness—'blancas de viginti in ora,' 'de viginti in ora et albas,' 'alborum nummorum,' 'de albis nummis,' 'candidorum nummorum,' 'de candidis denariis,' 'de albis denariis,' 'ad numerum de albis denariis.'

There are also payments 'puri argenti' in Derbyshire, and in various counties in gold. In very many cases, of course, the method of payment is not specified. In four counties, viz. Middlesex, Shropshire, Cheshire, and Nottinghamshire, no information as to payment is supplied, and the only information in Sussex relates to Bosham.

On preparing a chart to show the distribution of these methods of payment we obtained little fresh information. The most striking feature is that the payments in Group V are confined to four counties, viz. the Isle of Wight, Gloucestershire, Herefordshire, and Cambridgeshire. Of these, all except Herefordshire make payments

[1] G. J. Turner, *The Sheriff's Farm* (Proc. R. Hist. Soc. vol. xii. p. 118).

[2] Cf. *Dialogus*, I. iv.

[3] Mr. Round (after Schmid, *Geschichte der Angelsachsen*, ed. 1858) regards this form as equivalent to payment by tale, quoting the Domesday sum of the farm for Worcestershire (*Victoria History of Worcestershire*, p. 243).

in Group IV. The counties not making payments in Group IV or Group V are Hampshire, Berkshire, Wiltshire, Oxfordshire, Worcestershire, Huntingdonshire, Northamptonshire, Leicestershire, Warwickshire, Staffordshire, Derbyshire, and Yorkshire. (The counties in which there is no information have been omitted.)

The total number of cases in which payments in Groups IV and V are named is not large, and the instances are very unevenly distributed. The largest number occurs in Norfolk, which has forty; Somerset has fifteen, Devon and Cambridge ten each; Hereford eight, Derby five (but these are 'puri argenti,' and come from manors in Wirksworth Hundred, a mining district), Bucks five; the Isle of Wight, Cornwall, Gloucester, and Suffolk four each; Bedford three, Essex three (all on Count Eustace's lands), Lincoln two, Herts two (one of these, Tring, on Count Eustace's lands), Kent two (Canterbury and Milton); Sussex, Surrey, and Dorset one each (viz. Bosham, Godalming, and Portland).

The counties making payments in Group II are Kent, Surrey, Hants, the Isle of Wight, Somerset, Devon, Oxford, Gloucester, Hereford, Northampton, Leicester, and Stafford. Those making payments in Group III are Kent, Surrey, Hants, the Isle of Wight, Wilts, Devon, Cornwall, Herts, Oxford, Worcester, Hereford, Bedford, Northampton, Warwick, between Ribble and Mersey, York, Lincoln, Essex, and Norfolk.

The conclusions to be drawn from this summary are somewhat doubtful; some facts, however, seem to stand out clearly:—

1. The usual method of paying money at the date of Domesday was by tale. Exceptional modes of payment are only noted on royal manors[1]. It may be added that no facts are known to us to suggest that payments blanch were ever made to private owners at a later date, and we are strongly of opinion that such payments were always confined to royal manors.

2. Payment by tale in coins of full weight and payment by weight were not very common, and payment in assayed coin would seem to have been very rare.

3. There are traces of the commutation of payments in kind into

[1] There are a few exceptions, noted above. Comparison of the Exeter Domesday with the Exchequer Domesday entitles us to affirm that the absence or presence of any note as to the form of payment is the result of its absence or presence in the original inquisitions; and that the lack of information as to rents on private property suggests that no questions were put on that point.

money payments. Some of the former still remain, especially honey payments; but, generally speaking, the *firma unius noctis* had been commuted for a money payment. The rents were consequently certain, and payable at a fixed rate in money, or at all events on a silver basis.

4. Mr. Round has pointed out that the 'firma comitatus' was already in existence in the time of Edward the Confessor[1]. The farm of Warwickshire, for instance, was £65 under Edward, with a honey rent commuted for £24 8*s.*; total, £89 8*s.* Under William I it was £145, and there were other payments[2]. The latter farm included 'pleas of the county,' and thus is strictly parallel with the farms on the Pipe Rolls.

5. The money used was coined at various provincial mints, most of the counties coining their own money at the county towns.

The first Pipe Roll, the only roll remaining of the reign of Henry I, contains striking evidence of the many changes that must have taken place between the time of Domesday and the year 1130. The system of blanch payments is in full operation in addition to payments made *numero* and *ad pensum*[3]. Comparison of this roll with Domesday suggests, in fact, that what at the first date was an exceptional thing had then become normal.

There is, moreover, some reason for supposing that in 1130 a transition was taking place at the Exchequer between the period in which farms were paid *ad pensum* and the period in which they were paid, at any rate largely, in blanch money[4].

There are also traces of a reorganization of the farms of counties, particularly in the case of the large group of counties in the hands of Aubrey de Vere and Richard Basset. There had certainly been a change since Domesday. Oxfordshire, the Domesday farm of which was £249 5*s.* 3*d.*[5], with six 'sextarii' of honey (worth about £4), now pays more than £332 13*s.* 10*d.* The farm of Warwickshire, on the other hand, appears to have fallen to about £134 6*s.* 2*d.*

[1] *Commune of London*, p. 72.
[2] *Domesday*, I. f. 238 a.
[3] There is no mention of payments *ad scalam*. But the existence of this form of payment is proved by its occurrence in a grant to the church of Holy Trinity, London, of £25 *ad scalam* out of the farm of Exeter. The corresponding entry on the Pipe Roll shows that the allowance was made at the rate of 6*d.* in the £, as stated in the *Dialogus*. See J. H. Round, *Commune of London*, p. 85.
[4] Ibid. pp. 89 seqq.
[5] *Domesday*, f. 154 b.

The evidence of the Pipe Rolls of Henry II does not bear directly on the statement of the *Dialogus*. In them we find two systems of payment only, *ad numerum* and blanch. We find the farms of the counties gradually reconstituted [1], and there is abundant evidence that many of the county mints continued working till 1180 [2].

We have now to consider the evidence of the chroniclers in its bearing on the question of the origin of the system of blanch payments. It will be found that two monetary reforms are recorded during the reign of Henry I, viz. A.D. 1108 [3] and A.D. 1125 [4]: the latter of these is confirmed by the Pipe Roll of 31 Henry I [5].

We may now return to the account given by the *Dialogus*. That account is obviously not complete, and our other materials do not enable us to fill up the gaps. On the one hand, if we remember that the account deals not with the general question of the payment of money, but with the more limited question of the payment of the farm of the county, it is not necessarily incorrect. On the other hand, it certainly suggests several incorrect statements, though it is not clear that the author could have realized all the meaning his language would have borne to modern ears.

We have attempted to construct a theory of the history of the subject, which we offer as on the whole not inconsistent with the authorities here summarized; but it must be remembered that our attempted reconstruction rests upon slender foundations. At the bottom of the farm of the county lies the farm of the royal demesne manor [6]; and the money farm of the demesne manor rests upon a basis of original rents in kind, estimated in terms of supplies for a day. In Domesday we find these rents in food expressed in terms of money; and we may guess that the meaning of this was that the sheriff was charged with the money value of these food rents, and credited with the money value of any part of them that was paid directly to the royal household. Early in the reign of

[1] G. J. Turner, *The Sheriff's Farm* (Proc. R. Hist. Soc. vol. xii. p. 130).

[2] e.g. Pipe Rolls, 7 Henry II. p. 28, 19 Henry II. p. 154, &c.

[3] William of Malmesbury, *Gesta Regum*, p. 476 (Rolls Series); Florence of Worcester (ed. Thorpe), II. 57, = Eadmer, p. 193 (Rolls Series).

[4] William of Jumièges (ed. Duchesne), p. 303; *A. S. Chron.* II. pp. 220, 221, 376 (Rolls Series); Symeon of Durham, II. p. 281 (Rolls Series); William of Malmesbury, *Gesta Pontificum*, p. 442 (Rolls Series); Henry of Huntingdon, *Hist. Angl.* p. 240 (Rolls Series).

[5] Pipe Roll 31 Henry I. p. 42.

[6] We have not thought it necessary to discuss the part of the farm arising from the pleas apart from the farms of the manors.

Henry I this system was replaced by a system of money payments to the sheriff, and by him to the Exchequer; and the change was accompanied by a revaluation of the farms. We may perhaps suggest 1108, the date of the first reform of the coinage, as a possible date for the introduction of monetary payments at the Exchequer, with the provision that they should be made *ad scalam*. The second reform of the coinage, in 1125, may in the same way be the time at which payment *ad pensum* was enforced; and the Pipe Roll of 1130 certainly proves that payments blanch had by that time become more common than they were in Domesday, while payment *ad pensum* still subsisted. We are not compelled to assume that the introduction of any of these three methods of payment necessarily coincided with its invention. Blanching, certainly, was a process of great antiquity, and the devices of payment *ad scalam* or *ad pensum* are likely enough to have been employed at any date.

So far as the question of the antiquity of the Exchequer is affected, it is pretty clear that the main basis of the system of payments on account of farm is traceable to Saxon times, and that it received considerable modification between the date of Domesday and 1130.

In considering the arithmetic employed at the Exchequer, we are immediately confronted by two contrivances, the tally and the exchequer. We are also told that there was a time when only tallies were used, and when there was no exchequer. The nature of the tally is pretty well understood, but the word 'exchequer' has gathered round it so many connotations, that it may be useful to consider what the arithmetical device known as the exchequer was. It was, says the *Dialogus*[1], a four-sided board measuring 10 ft. by 5 ft., with a raised edge round it. It was covered with a black cloth ruled with white lines a foot apart. It is not clearly stated whether the ruling was in squares or columns, but the comparison to a chess-board or draught-board makes it clear that it was ruled in squares. In any case the columns are the important facts, the transverse lines are only for convenience. In all there were seven columns[2]; beginning from the right, the first column was for pence, the second for shillings, the third for pounds, the fourth for scores of pounds, the fifth for hundreds, the sixth for thousands, and the seventh for tens of thousands. The occurrence of any one of these units was indicated by a sign placed in the column in question.

[1] *Dialogus*, I. i. [2] Ibid. I. v. L.

Two things strike one at once: in this system of arithmetic there is no zero, and its place is supplied by a system of columns. Now this is the system of the abacus [1]; and to save trouble we shall in future speak of the exchequer in its arithmetical sense as the abacus. This distinction between the arithmetic of the Arabians and the system of the abacus was profound. There is in the *Dialogus* one allusion to Arabian arithmetic [2], contrasting it with the system of the abacus, but the contrast is obscured by the fact that the only operations employed in the Exchequer were those of addition and subtraction [3]. It is not needful to discuss here the origin and history of the arithmetic of the abacus [4], especially as in some particulars the methods of the exchequer were peculiar to itself. The earlier abacists seem to have used pieces, each bearing a mark signifying one of the nine digits, to place in the columns of their abacus. At the Exchequer the calculator employs a device known as 'acervi numerales [5].' The nature of these we shall now consider [6]. The earliest description of the system will be found in 'The ground of Artes, teaching the work and practice of Arithmetic,' published in 1543 by Robert Recorde. In this book three methods of reckoning by counters are described. The first system deals with arithmetic of numbers, and does not concern us. The second system is called the 'merchant's use,' and may be briefly described. The counters are arranged in rows, the pence nearest to the operator; above them the shillings, then the pounds, then scores of pounds, then hundreds, and so on. For the pence, 6*d.* is indicated by a counter placed above the line, and the remaining units by counters on the line. For the shillings, 10*s.* is indicated by a counter above the line, 5*s.* by a counter on the line, but to the left hand of the units, and the units by counters grouped on the line. The pounds and scores of pounds are treated in the same

[1] The ordinary columns of the abacus were for the units, tens, hundreds, &c., of common numbers. It was necessary to adapt it to the computation of money. Cf. Littré, s.v. *Échiquier*.

[2] *Dialogus*, I. v. L, 'secundum consuetum cursum scaccarii non legibus arithmeticis.'

[3] Division on the abacus was a formidable process. If the divisor were above 5, e.g. 7, the quotient was obtained by continually dividing the dividend by 10 and multiplying it by 3, and adding all the subsidiary quotients obtained by the successive divisions by 10. See Chasles, *Hist. Geom.* (1837) pp. 464 seqq.

[4] Those with patience for the task may consult *Gerberti Opera Mathematica*, edited by Dr. Nicolaus Bubnov, Berlin, 1899.

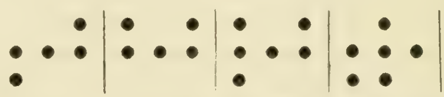
[5] *Dialogus*, I. v. L.

[6] Cf. Pipe Roll Society, vol. VII. p. viii, for Mr. Hubert Hall's discussion of the question.

way. If we now set down in this manner the sum of £198 19*s.* 11*d.*[1] it will appear as below:—



The next use is the 'auditor's use,' i.e. the use of the Exchequer. Here the counters are placed in columns, and Recorde points out that the units are spread over as many lines as the operator may find convenient. It may be added that they are placed in two rows, and not more than three in a row. For the pence, a single counter above the units signifies 6*d.*; in the shillings, a single counter above the units on the right signifies 5, and a single counter on the left 10; and the same system applies to the pounds, scores of pounds, and so on. We may now set down after the 'auditor's use' the sum of £198 19*s.* 11*d.* as before:—



It will be seen, on comparison, that this scheme almost exactly coincides with the scheme arrived at by Mr. Hubert Hall in the paper referred to above. The evidence of actual use of this device is naturally difficult to discover. It must be sought in the casual use of it by accountants, marking the figures of the counters by dots on the margins of accounts. One such instance is mentioned by Mr. Hall. Another, of a much earlier date, will be found in the Cartulary of Stanley Abbey, printed[2] in the *Wiltshire Magazine*, XV. p. 249, which probably dates from the thirteenth century. Without insisting that the 'calculator' of the *Dialogus* employed the 'auditor's use' exactly as described by Recorde, it may reasonably be assumed that his 'acervi numerales' were of the same nature.

We may now return to the earliest arithmetical device employed at the Exchequer, the tally. As the description in the *Dialogus*

[1] This is the sum used by Recorde himself.
[2] By Mr. Walter de Gray Birch. The dots are used to indicate the place where each deed will be found in the muniment room. The device employed differs from the use described above.

is not free from difficulty, it will be most convenient to give a full translation of the most important passage [1].

'Now since we have mentioned tallies, consider briefly how the cutting of a tally is done. There are two kinds of tallies, one called a tally simply, the other called a memoranda tally. The length of the tally, properly so called, is the distance between the end of the forefinger and the thumb, when the thumb is stretched out; and at one end there is a small hole bored. The memoranda tally, which is always made for payments that are to be blanched, is somewhat shorter, because after the assay by which the farm is blanched the original memoranda tally is destroyed, and then first only acquires the length of a tally when the tally of combustion is tied to it. The fashion of cutting is as follows: A thousand pounds is cut at the top of the tally, by a cut the thickness of the palm of the hand; then a hundred pounds by a cut the breadth of the thumb; a score of pounds, the breadth of the little finger; a single pound, the width of a fat barleycorn; a shilling, rather narrower, yet so that converging cuts remove some of the wood and leave there a little notch; a penny is made by a single cut without removing any wood. On the edge where the thousand is cut no other number must be put, saving only the half of a thousand, and this by removing the half part of that cut and putting it lower on the tally. Similarly you shall cut a hundred, if you have no thousands, or a score of pounds, or a single pound. If you have several thousands or hundreds or scores to cut, they are to be cut in the same way; on the more open edge [2] of the same tally, that is, on the edge which is uppermost when the note is written on the tally, the larger number must be cut, and the smaller on the other edge; and on the more open edge the highest number is at the top, and on the less open edge the smallest number. There is no cut to signify a mark of silver; it is set out in shillings. The mark of gold is cut like a pound, in the middle of the tally. A gold penny is not cut exactly like a silver penny, but by cutting perpendicularly into the tally, not on the slope as is done in the silver penny.'

The only effective comment upon this passage is to be obtained by the actual inspection [3] of a tally or of the pictures in the third volume of the Pipe Roll Society's publications. It is, however,

[1] *Dialogus*, I. v. I.
[2] See I. v. K and notes on this passage.
[3] 'Quod de his restat oculata fide constabit.'

necessary to observe that no tally that we have seen seems to be cut exactly in the way here described.

We may now turn to the actual use of the tally, especially as this point is nowhere dealt with in the *Dialogus*. An accountant coming to make his Easter proffer would pay into the Exchequer a certain amount of money; this amount would be recorded upon a tally in the way described above, and the tally would then be split down the middle for about three-quarters of its length, and part cut off; the foil, or smaller part, was then given to the accountant, and the stock, or larger part [1], retained in the Exchequer. Beyond this, another usage arose at an early date. The tally became regarded as a species of currency. If A had paid £10 into the Exchequer, receiving a tally for that amount, he might hand his tally over to B, in whose hands it was equally good for payment into the Exchequer. Of course, by this transaction A left himself without defence against the day of final audit of his account.

We are now in a position to see that, with the aid of the tally and very simple rolls, the whole business of the Exchequer could be carried on. The lay accountant and the lay official would understand the tally system; the clerks of the Treasury would use the written rolls. The whole business would go on 'ad taleas [2],' without any need of the more complicated arithmetic of the abacus. It is worth noting that the whole of the work on the tallies is under the care of laymen, while only the clerical official handles the rolls.

As to the date of the introduction of the abacus, nothing can be said [3] beyond the fact that the *Dialogus* tells us that tallies were in use before the abacus. But it may be suggested that while the former device is in use in many countries, the latter is a specialized device only employed by skilled calculators, of which the history is fairly well known from the time of Gerbert. While tallies may have been in use in England before the Conquest, the abacus is not likely to have been known there; and in consequence we are entitled to date its introduction as occurring under the Norman administration. It is worth noting that the word 'Scaccarium,' in the sense of the Court of Accounts, is unknown outside Normandy, England, and countries directly subject to their influence.

The examination of the staff, the monetary system, and the arithmetic being now concluded, it only remains to formulate the result, so

[1] 'recautum,' *Dialogus*, I. v. B. [2] Ibid. I. i. A.
[3] Compare however Round, *Commune of London*, p. 74.

far as it affects the question of the origin of the complete Exchequer. In the case of the staff, it has been shown that the officers of the Treasury show most signs of a pre-Conquest origin. The monetary system, which is closely bound up with that staff, also leads back to the same era. On the other hand, the arithmetic of the Exchequer, like the main portion of the staff of the upper Exchequer, is clearly of foreign origin. As to the dates, or even the process by which these different elements were united, nothing precise can be said; but on general grounds it may be affirmed that the most likely period for the formation of the Exchequer in its finished shape is the reign of Henry I[1].

The *Dialogus* affords but little evidence as to the usual place of session of the Exchequer court during the reign of Henry II. The scene of the treatise is laid upon the banks of the Thames, but there is no evidence to show whether the window[2] where the master and scholar talked was in Westminster, in the Tower, or in the New Temple, all places for which claims might be put forward. We have[3] in one place a sort of geography of the house of the Exchequer, where it is explained that there must be a private chamber for council adjoining the actual house or room where the Exchequer is held. But the passage does not suggest that any real building is described, and in fact reads like an account of the kind of place that must be provided for the court to sit in. There is no passage in the whole treatise which assigns a definite place to any of the court's officers mentioned. Two places, indeed, are named (London and Winchester[4]) as places where the lower Exchequer might be found. And if the passage relating to the tellers[5] is pressed, it tends to show that the usual place of sitting was Winchester, and that the presence of the Exchequer in London was less frequent; and to this conclusion we should probably come upon the evidence of that passage. In the second part, however, we find in the writ of summons[6] a passage where the author might naturally have mentioned some place as the usual one where the sheriff would have to attend. But the words *ibi vel ibi* obviously show that he regarded it as quite possible that the Exchequer might sit in any town in England. And this is confirmed by the passage[7] which

[1] Following Liebermann, *Einleit.* p. 15, n. 2, we regard *Dialogus*, I. vii. C as disposing of the claim of Roger of Salisbury to be regarded as the founder of the Exchequer.

[2] *Dialogus*, I. prol. A.

[3] Ibid. I. vii. E.

[4] 'Westmonasterii' in I. iii. F is clearly a blunder for 'Wintonie'; see note.

[5] *Dialogus*, I. iii. G.

[6] Ibid. II. i. B.

[7] Ibid. I. v. H and II. xxi. A.

explains that the accountant who is in debt must not leave the limits of the town where the Exchequer is sitting for more than one day. Moreover, we are expressly told[1] that some of the contents of the Treasury are moved about in the care of the Treasurer and Chamberlains, and follow the Exchequer in its sittings. We may therefore conclude that the home of the Exchequer was in Winchester, that it frequently sat in London, but that it might sit in any town in the kingdom.

The evidence of the Pipe Rolls on the point is only indirect, but the following dates and places seem probable. In 1156[2] the Exchequer sat at Westminster; in 1158[3] one Exchequer session was held at Worcester; in 1162[4] one session was at Oxford; in 1164[5] the Easter session was at London; the Michaelmas session of the same year was at Northampton[6]; in 1166[7] one session was at Worcester; in 1175[8] the Easter session was at Oxford, and the Michaelmas one at London. It is not necessary to add instances to these. Enough has been done to show that there was no permanent place of sitting for the Exchequer. Now it must be remembered that if the sessions of the Exchequer were not fixed, neither was the Receipt of the Exchequer fixed. Both offices, in fact, must have moved together, and were essentially inseparable.

We now come to a somewhat thorny question, the meaning of the word 'thesaurus.' Attached to the lower Exchequer is a department vaguely described as the Treasury. The usher and watchman of the Treasury[9] are officers of the lower Exchequer. The Treasury contains the seal[10], which only leaves it when brought up from the lower to the upper Exchequer. It also contains[11] certain chests, which hold Domesday Book and many rolls and tallies needful for the daily business of the Exchequer, wherever that may be. It also is the receptacle for money paid by accountants[12]. In fact, it is clearly the strong-room of the Exchequer court, closely attached to the lower Exchequer, and existing wherever the Exchequer existed. Moreover, when the sittings of the Exchequer ceased, the existence of the Treasury was suspended. The watchman[13], like the other officials of the lower Exchequer, ceased to be paid, and,

[1] *Dialogus*, I. xiv.
[2] Pipe Roll 6 Henry II. p. 4.
[3] Ibid. 4 Henry II. p. 175.
[4] Ibid. 3 Henry II. p. 26.
[5] Ibid. 10 Henry II. pp. 21, 25.
[6] Ibid. 10 Henry II. p. 26.
[7] Ibid. 12 Henry II. p. 81.
[8] Ibid. 21 Henry II. pp. 11 and 16.
[9] *Dialogus*, I. iii. A.
[10] Ibid. I. v. D.
[11] Ibid. I. xiv.
[12] Ibid. I. xiv and I. i. B.
[13] Ibid. I. iii. F; and cf. J. H. Round, *Commune of London*, p. 80.

so far as the information of the *Dialogus* goes, the Treasury, like the Receipt and the upper Exchequer, passed into a 'vacant interlunar cave.'

It is useless to endeavour to extract from the *Dialogus*, which is a treatise on the action of the Exchequer while sitting, information as to what took place when the Exchequer was not sitting; and for information as to the site of the permanent repository of the treasure and rolls of the Exchequer we must turn to other sources. The question is briefly this: when the Exchequer ceased to sit, what was done with the money and documents that were in the hands of the officers?

At a later date the question can be answered. They were placed in the treasuries at Westminster [1]; but in the reign of Henry II no such easy solution can be offered. Broadly speaking, Winchester, the capital of Wessex, the original home of the Norman Treasury, remained the place of permanent custody for both money and rolls [2]. But, so far as the money is concerned, there is undoubtedly evidence of the existence of other treasuries in which it might be placed, and it is quite possible that after the Exchequer had sat at Oxford, for instance, both money and rolls might remain there for some time, pending their removal to Winchester or to the next place at which the Exchequer might sit. Temporary treasuries [3] might, therefore, exist in many places; and the fact that the Exchequer seems to have sat more often at London than at any other place, excluding Winchester, would prepare the way for the final removal of the permanent treasury from Winchester to Westminster. The date of that removal is uncertain. It may be conjecturally placed as happening about the end of the reign of Henry II, and as becoming complete during the reign of Richard I.

In discussing the origin of the Exchequer under the three heads

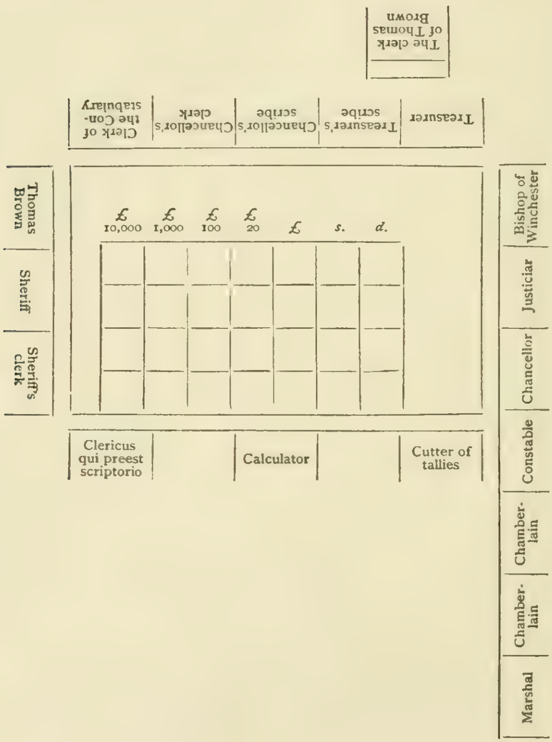
[1] H. Hall, *Antiquities of the Exchequer*, p. 34.

[2] It is impossible to deal at length with this question here. Cf. ibid. pp. 11–15; J. H. Round, *Commune of London*, pp. 75–82; Pipe Rolls, 4 Henry II. p. 175, 6 Henry II. p. 47, 7 Henry II. p. 56, 16 Henry II. p. 126, 21 Henry II. pp. 11 and 16. The available evidence consists chiefly of notes in the Pipe Rolls of the expense of moving treasure, &c.

[3] We may instance the case of Northampton. In 13 Henry II (Pipe Roll, p. 103) the hutch of the treasure is moved from Northampton to London. In 27 Henry II (Eyton, p. 241) there are a number of instances in which treasure is moved from Northampton to other places. Compare also the case of the New Temple in London (*Receipt Roll of the Exchequer*, 31 Henry II, ed. Hall, pp. vi and 31).

of its staff, its monetary system and its arithmetic, and in the supplementary discussion of its site, we have incidentally completed that part of our work which corresponds with the first book of the *Dialogus*, and treats of the structure of the court. The second book proceeds from statics to dynamics, from structure to function, and it seems necessary to supplement in like manner our description of the Exchequer at rest by describing the Exchequer in action.

Before turning to the actual process of accounting it will be convenient to illustrate and describe the session of the court as



described in the treatise[1]. The court sits upon four benches placed at the sides of a table. The disposition of the seats will be clear from the annexed diagram, and only a few remarks are needful. The arrangement of the top bench is peculiar. At

[1] *Dialogus*, I. v.

a five-foot table it is impossible to suppose that more than three persons can sit; and it is therefore necessary to suppose that the remaining persons [1] sat on the bench but not at the table. It may be noted that the Bishop of Winchester is a newly introduced official, and that probably before his appearance the Justiciar and the Chancellor had more room. It will be seen that the size of the table affords ample room in front of the various officials for them to work without trenching upon the domain of the calculator. The sheriff may appear to be cut a little short, but it must be remembered that the £10,000 column was not employed in taking a sheriff's account, and the £1,000 must have been very rarely employed.

The squared part of the table is drawn to show the actual domain of the calculator. The seven columns are mentioned in the *Dialogus* [2]; we have suggested four rows as the utmost reach of his arm. It is, however, probable that the squared cloth extended all over the table.

We may now turn to the actual proceedings of the court. At the close of each session the preliminary steps in preparation for the next have to be taken. The Treasurer's clerks extract from the roll of the Exchequer just closed all debts still remaining in charge. The Barons meet (presumably in the Exchequer Chamber) and decide how much is to be called up on each of these accounts at the coming session, taking each county separately. The rolls of the Justices in Eyre are produced, and the sums there recorded as due to the king are assessed in like manner. A summons is drawn up addressed to the sheriff of each county, urgently requiring him to appear at the Easter or Michaelmas Exchequer, as the case may be, with his farm and with the sums thus determined. At Easter he must pay the half on account, at Michaelmas the whole sum is demanded of him [3]. Besides the debts expressed in the summons the sheriff is to account for casual profits accruing to the Crown. The summonses are written by the Chancellor's scribe [4], sealed with the Great Seal of the Exchequer [5] and given to the marshal [6], who delivers them to the usher of the upper Exchequer [7], who is responsible for delivering them.

[1] The chamberlains, the marshal, and the constable had all of them duties which require them to rise at any moment. For this reason they probably did not sit at the table.

[2] *Dialogus*, I. v. M. [3] Ibid. II. ii. B. [4] Ibid. I. v. S.

[5] Ibid. I. xv. [6] Ibid. I. v. H. [7] Ibid. I. vii. F.

The sheriff, on receiving the summons, collects the debts mentioned in it, if necessary by distress[1], except in the case of debts due from tenants-in-chief, who have the privilege of deferring payment till the meeting of the Exchequer[2]. In such cases the sheriff must obtain the promise of the lord or his steward to hold him harmless, and such promise must be given in full county court[3].

On the day after Low Sunday, or the day after Michaelmas, as the case may be, the sheriff must appear at the Exchequer in person or in certain cases by deputy[4]; and in either case he must pay in the money demanded, or produce vouchers to the same amount[5]. He presents himself before the Barons on his arrival[6], and attends every morning until his account can be taken. On making his payment in the Receipt he will receive a memoranda tally of the sum paid in on account of his farm if it is payable blanch[7], and ordinary tallies for the debts he has levied. His next business is to have his payment on account of farm blanched[8], before which his account cannot be taken. A day will then be given him for the account.

In Easter Term no formal account is taken[9], but only what is termed a View of Account. The sheriff is examined as to how much he has paid in on account, and what debts he has been unable to levy. No entries are made on the roll, but notes are taken by the Treasurer's clerk, and any points of importance are reserved for the discussion of the Barons at the close of the Exchequer. The sheriff receives a provisional discharge and the actual account is held over till Michaelmas.

At Michaelmas (if not at Easter also) the sheriff is bound to give notice on the day of his account or the day before in the town where the Exchequer is held, so that any debtor on whose behalf he appears may be present if he pleases[10]. The other sheriffs are excluded, and the Treasurer formally demands if the sheriff is ready to account. He then asks if the customary outgoings (alms, annual payments, lands granted out) are the same as the year before. If so, the writer of the Great Roll, at the Treasurer's dictation[11], sets down the name of the sheriff and of the county for which he accounts and leaves a blank for the sum which he has

[1] *Dialogus*, II. xiv. [2] Ibid. II. xix. [3] Ibid. II. xx. [4] Ibid. II. iii.
[5] Ibid. II. iv. C. [6] Ibid. II. iii. B. [7] Ibid. I. v. I. [8] Ibid. II. iv. E.
[9] Ibid. II. ii. A. [10] Ibid. II. iii. E. [11] Ibid. I. v. S.

paid in. The outgoings are next written out according to the roll of the previous year; and if any change has occurred, the Treasurer varies his dictation accordingly. The sheriff now produces vouchers for payments out made by him by virtue of the king's writs, which he produces [1]. The writs are compared with their duplicates, in the hands of the Chancellor's clerk if they issued from the Exchequer [2], in the hands of the Constable's clerk, if they issued from the Curia Regis [3]. These vouchers are handed to the Marshal, who preserves them [4]. The sheriff then states what he has spent on the wages of approvers and in the administration of justice (i. e. on ordeals and executions); for these payments he produces no vouchers [5]. The account of the farm is now left open until the other debts are discharged, because, if any of them has not been duly levied, the deficit must be deducted from the sum paid in on account of farm.

The sheriff next accounts for any balance of the last year's farm, or of that of any previous year, still owing, whether by him or any of his predecessors.

Here a short space is left in the roll [6], and the account of the farms of escheats and purprestures follows; that is, of lands which have escheated to the king by failure of heirs, and of encroachments on the king's property. These are charged according to the report of the Justices in Eyre, on the presentment of the juries of the hundreds.

After this come the rents of woods and forests [7].

These subsidiary accounts are balanced at once; the sheriff accounting either in writs, as before, or in tallies showing the sums paid in by him or by others on these accounts. Such tallies are compared when produced with the stocks from which they were cut, which are in the hands of the tally cutter [8].

When the account for the rent of woods and forests has been closed, the examination of the sheriff by the Treasurer is suspended. The Chancellor's clerk takes up the summons [9] and formally charges the sheriff with the debts which he has been ordered to levy within his county. These arise from two sources, being either

[1] *Dialogus*, II. vi. [2] Ibid. I. vi. C. [3] Ibid. I. vi. D.
[4] Ibid. I. v. E. [5] Ibid. II. vi. [6] Ibid. II. x. [7] Ibid. II. xi.
[8] Ibid. I. v. H. It appears by comparison of the Receipt Roll of 31 Henry II (ed. Hall) with the Pipe Rolls, that when small payments were collected from individuals a separate tally was issued for each. (See Mr. Hall's edition.)
[9] Ibid. II. xii. A.

penalties for breaking the law, or so-called voluntary payments made to the king with the object either of obtaining some concession, or of escaping some punishment. The former may be called amercements, the latter fines. Reliefs, or the sums paid by heirs to be allowed to have possession of their lands, cannot conveniently be classed under either of these heads [1]. On all fines a payment of 9 per cent. is made to the queen, whose clerk attends in the Exchequer to receive it [2]. These amercements, fines, and reliefs are collected upon the report of the Justices in Eyre, and the account is subdivided into sections according to the eyres in which the debts were assessed [3]. The debts assessed by the central court sitting at the Exchequer have a section to themselves [4], and the most recent amercements and fines come under the heading 'Nova Placita.'

The next stage of the sheriff's account is the account of the goods of felons and fugitives and usurers, treasure-trove, &c. This is the last item on the roll [5]. The sheriff is bound to collect and account for such goods without being summoned to do so [6]. The reason given for the separation of these casual profits from the escheats is not convincing [7]: it may be conjectured that they come last because they cannot be formally demanded, but depend on the evidence of the sheriff. Probably this stage of the account was dealt with by the Treasurer, but of this we cannot be certain.

The account of the sheriff's farm can now be completed [8]. For this purpose all the members of the court are called together: the sum paid in by the sheriff (or what is left of it after the satisfaction of the other accounts) is set out in counters on the table. The sum to be deducted for blanching is calculated at the rate determined by the assay. The tally for the payment made at Easter [9] is produced, with its combustion tally attached. The sum of the two blanch payments is added up and recorded on one tally, to which another smaller tally is attached showing the amount deducted for blanching. The sheriff is only credited with the amount expressed in the larger tally, but the Treasurer is accountable for the sum of the two. The total with which the sheriff is credited remains set out in a pattern of counters on the Exchequer table. The Treasurer now produces the Roll of Farms (*Rotulus Exac-*

[1] *Dialogus*, II. xxiv. [2] Ibid. II. xxvi. A. [3] Ibid. I. v. U.
[4] Cf. Madox, *H. E.* VI. § 2, p. 142. [5] *Dialogus*, I. v. U. [6] Ibid. II. x. G.
[7] Ibid. II. x. J. [8] Ibid. II. xxvii. B. [9] Cf. Ibid. I. v. H, I.

torius), and the farm is set out above the sum paid in. The latter sum is now subtracted from the farm, and from the remainder is now subtracted the sum of all allowances expressly made in blanch money. The new remainder is left on the table, and all the allowances or payments out made by tale are added up and reduced to their value in blanch money by a deduction of one shilling in the pound. This sum is now subtracted from the remainder of the farm, and if nothing is left the sheriff is discharged; otherwise he remains in debt for the balance. The roll is now filled up, the sum expressed in the larger tally being set down as paid 'in Thesauro' at the head of the account, and the balance, if any, being entered below with the words 'Et debet.' If there is no balance the account concludes with the words 'Et quietus est'; if a balance is due to the sheriff, with 'Et habet de superplusagio'—so much.

The sheriff must now give his oath to the marshal[1] that in those cases where he has been unable to levy debts due to the king he has found nothing to distrain upon[2]. He is then free to go.

The greater part of the debts collected by the Exchequer are levied through the sheriff; but there are already other accountants, since certain towns and estates account separately[3]. These accountants have to make oath to the accuracy of their accounts in the same way as the sheriff[4].

As to the nature of the Exactory Roll and its companion, the Roll of Danegeld, in the Red Book of the Exchequer[5] there is a curious note on the use of these two rolls in the process of accounting, which may here be translated:—'There is no sum of Danegeld set out upon the roll, just as there was no sum of the county in any roll of Henry II or of King Richard up to the eighth year of his reign; and that for this reason, as I heard from William of Ely, the Treasurer, namely, that the sheriffs might be kept in ignorance of the sum for which they had to account. But, after the writing of the sheriff's account and adding up the sums expended from the body of the county, the Treasurer brought out the roll containing the sums of the several counties and placed the particular sum above, and then subtracted the expenses, and so acquitted the sheriff or placed him in debt or allowed him a surplus. This also was done for Danegeld; but that roll I never saw, though the other I have seen.'

[1] *Dialogus*, II. xxviii. [2] Ibid. II. xii. C; cf. I. v. H. [3] Ibid. I. v. T.
[4] Ibid. I. v. H. [5] II. p. 659.

So far as the facts stated in this passage are concerned, they are supported by the Pipe Rolls. Up to the eighth year of Richard I there is no entry of the total farm of the county on the rolls, while from that year each county account is headed by the amount of the farm. But it is difficult to believe that there was any intention to conceal from the sheriffs the sum with which they were charged; each sheriff, as he sat at the Exchequer, would surely have discovered that amount, and would have had no reason to conceal it from his successor, who would have had every reason for ascertaining it. But, setting this aside, it may be noted that as soon as the farms began to be entered on the Pipe Roll, the Exactory Roll became superfluous. The Pipe Roll of the preceding year plays an important part in the process of accounting for the current year, and it was an additional convenience to enable it to replace the Exactory Roll. When that roll became useless it was sure to disappear, as the Roll of Danegeld had already done with the disappearance of Danegeld.

Besides the normal business of passing accounts there were other matters of importance to be determined in the Exchequer[1]. Such were points of law or of policy arising in the course of the process of taking accounts. On such occasions the Barons retired to the Exchequer Chamber to avoid interfering with the ordinary course of business[2]. It seems certain that the Justices also habitually sat at the Exchequer, and that the Court of Common Pleas originated in the Exchequer, and not in the Curia Regis[3]. This would explain the subsequent position of the Exchequer Chamber as a court of appeal[4]. The question need not, however, be discussed here, since the *Dialogus* is only incidentally concerned with legal affairs. The practice of making fines of land in the Exchequer is also easy to explain, since the essence of the transaction is the bargain made with the king for leave to terminate a suit.

We have now described in outline the functions of the Exchequer Court as such, but the *Dialogus* reminds us that another account took place at the Exchequer table which cannot be regarded as an ordinary session of the court[5]. As the sheriff accounted to the Treasurer, so the Treasurer and Chamberlains accounted, though seldom, to the king[6]. Certain payments were made out of the

[1] *Dialogus*, I. iv. C. [2] Ibid. I. vii. F. [3] Cf. Madox, *H. E.* VI. § 2, pp. 141 seqq. [4] Cf. Coke, *Fourth Inst.* pp. 110, 119. [5] *Dialogus*, I. v. M. [6] Ibid. I. i. B.

Treasury both by writ[1] and without[2]. Consequently, a Commission was appointed from time to time to take account of all receipts and issues of the Treasury[3]. On this account it was necessary to have tallies both for the sums received on account of blanching[4] and for payments out made without writ. An instance of this is alluded to in the Pipe Roll of 31 Henry I, when the Earl of Gloucester and Brian Fitz-Count took the accounts of the Treasury of Winchester[5]; and at a later date the Bishop of Carlisle obtained a charter from Henry III that his executors should not be impeded in carrying out his will by reason of any such account due from him[6]. But all this is external to the ordinary Exchequer business, and therefore does not appear on the Pipe Rolls, which only exhibit the financial relations betwixt the Treasurer and the accountants[7]; and for the same reason it is not directly treated of in the *Dialogus*.

Such, in brief, was the system by which the money owing to the king throughout the country was collected and accounted for. For further details of its administration we must refer the reader to the printed Pipe Rolls and to Madox's *History of the Exchequer*.

[1] *Dialogus*, I. vi. A. [2] Ibid. I. vi. K. [3] Ibid. I. v. M.
[4] Ibid. II. xxvii. B.
[5] Cf. Round, *Commune of London*, pp. 77 seqq., where the whole subject is discussed.
[6] Charter Roll 14 Henry III. pt. 1. m. 4 (April 25).
[7] There is an allusion to this account on the Receipt Roll of 31 Henry I. pp. vi and 31 (ed. Hall).

C = *British Museum MS.* Cotton. Cleop. A. 16.

N = *Public Record Office MS.* The Black Book of the Exchequer (Exch. Treasury of Receipt).

R = *Public Record Office MS.* The Red Book of the Exchequer (Exch. King's Remembrancer Misc. Books, 2).

DIALOGUS DE SCACCARIO

[PREFATIO]

ORDINATIS a deo potestatibus in omni timore subici A simul et obsequi necesse est. Omnis enim potestas a domino deo est. Non ergo videtur absurdum vel a viris ecclesiasticis alienum regibus quasi precellentibus et ceteris potestatibus seruiendo sua iura seruare; presertim in hiis que veritati vel honestati non obuiant. Oportet autem hiis seruire non in conseruandis tantum dignitatibus per quas gloria regie potestatis elucet, verum in mundanarum facultatum copiis que eos sui status ratione contingunt. Ille enim illustrant, hec subueniunt. Porro mobilium copia vel defectus principum potestates humiliat vel exaltat. Quibus enim hec desunt hostibus preda fiunt, quibus autem hec suppetunt hiis hostes in predam cedunt. Sane licet hec regibus plerumque, iure non prorsus examinato set patriis quandoque legibus quandoque cordium suorum consiliis occultis vel solius interdum sue voluntatis arbitrio, prouenire contingat; eorum tamen facta ab inferioribus discutienda vel condempnanda non sunt. Quorum enim corda et motus cordium in manu dei sunt et quibus ab ipso deo singulariter est credita cura subditorum, eorum causa diuino tantum non humano iudicio stat aut cadit. Nemo tamen quantumlibet diues si secus egerit de impunitate

2 simul et *CR*: similiter *N* 9–11 facultatum . . . exaltat *N*[2] 10 mobilium *Liebermann*: nobilium *CNR* 12 hec . . . autem *om. R* desunt] suppetunt *N corr.* 13 predam] predicta *R* 16 sue] siue *C*

sibi blandiatur, cum de huiusmodi scriptum sit 'Potentes potenter tormenta patientur.' Igitur qualiscumque sit vel videatur adquirendi causa vel modus, hiis qui ad eorum custodiam ex officio deputantur cura remissior esse non debet, set in eisdem congregandis, conseruandis vel distribuendis sollicitam decet esse diligentiam quasi rationem reddituris de regni statu qui per hec incolumis perseuerat.

B Nouimus quidem prudentia, fortitudine, temperantia siue iustitia, ceterisque virtutibus principaliter regna regi iuraque subsistere, vnde et hiis mundi rectoribus totis est viribus insistendum. Set fit interdum vt quod sano consilio vel excellenti mente concipitur intercedente pecunia citius conualescat et quod difficile videbatur per hanc quasi per quandam negotiorum metodum facilem consequatur effectum. Non solum autem hostilitatis set etiam pacis tempore necessaria videtur. Illo enim in municipiis firmandis, in stipendiis ministrandis et in aliis plerisque locis pro qualitate personarum ad conseruandum regni statum effunditur; hoc vero, licet arma quiescant, a deuotis principibus construuntur basilice, Christus alitur et vestitur in paupere et ceteris operibus misericordie insistendo mammona distribuitur. In vtriusque vero temporis strenuis actibus gloria principum est; set excellit in hiis vbi pro temporalibus impensis, felici mercimonio mansura succedunt. Ea propter, rex illustris, mundanorum principum maxime, quia sepe te vidimus vtroque tempore gloriosum, non parcentem quidem pecunie thesauris, set pro loco, pro tempore, pro personis, legittimis sumptibus insistentem, modicum opus excellentie tue deuouimus, non de rebus quidem magnis vel luculento sermone compositum, set agresti stilo de scaccarii tui necessariis obseruanciis. Porro super hiis te vidimus quandoque sollicitum, adeo vt missis a latere tuo viris discretis de eodem dominum tunc Eliensem conueneris. Nec fuit absurdum tam excellentis ingenii

3 vel] aut *C* hiis] his *R* 6 decet] debet *C* esse] habere *C* 7 reddituris] redditurus *C* incolumus *C* 8–13 Nouimus . . . hanc *add.* N^2 9, 10 iuraque subsistere *om. N* 12, 13 intercedente . . . videbatur *C*: *om. NR* 17 in stipendiis ministrandis *om. R* 23 gloria] gracia *R* 31 scacarii *R* 32 vt missis] solliciti *R*

virum, tam singularis potentie principem, inter cetera maiora hec etiam curasse. Sane scaccarium suis legibus non temere set magnorum consideratione subsistit cuius ratio si serueter in omnibus poterunt singulis sua iura seruari et tibi plene prouenient que fisco debentur, que possit oportune nobilissime mentis tue ministra manus effundere.

[Incipiunt capitula libri primi.

I. Quid sit scaccarium et que ratio huius nominis.

II. Quod aliud est inferius atque aliud superius vna tamen origo vtriusque.

III. Que sit ratio vel institutio inferioris per singula officia.

IIII. Que sit auctoritas superioris et vnde sumpsit originem.

V. Quod sit officium presidentis in illo et que sint singulorum sibi assidentium officia.

VI. Quis sit tenor breuium regis factorum ad scaccarium siue de exitu thesauri siue de computandis, siue de perdonandis.

VII. A quibus et ad quid instituta fuit argenti examinacio, set hoc incidenter.

VIII. Que sint iura et dignitates residentium ad scaccarium vel ex officio vel ex solo regis mandato, et quedam incidentia necessaria.

IX. Quid scutagium et quare sic dicatur.

X. Quid murdrum et quare sic dictum.

XI. Quid danegeldum et quare sic nominatum vel institutum.

XII. Quid foresta regis et que ratio appellationis.

9 Quid . . . nominis *add.* *N*[2] 12 Que] Quid *CN* 26 *post* dictum *add.* est *C*

XIII. Quid essartum vel quid vastum et que rationes horum nominum.

XIIII. Quod thesaurus dicitur interdum ipsa pecunia, interdum locus in quo seruatur.

XV. Quis sit vsus sigilli regii quod est in thesauro.

XVI. Quid liber iudiciarius et ad quid compositus.

XVII. Quid hyda, quid centuriata, quid comitatus secundum vulgarem de hiis opinionem.

XVIII. Quid rotulus exactorius.]

3 Quod] Quid *R* 3, 4 interdum locus in quo seruatur, interdum ipsa pecunia *N* 5 Quis] Quid *N* 9 exatorius *R*

[PROLOGUS]

A ANNO xxiii. regni regis Henrici secundi cum sederem ad fenestram specule que est iuxta fluuium Tamensem factum est verbum hominis in impetu loquentis ad me dicens 'Magister nonne legisti quod in scientia vel thesauro abscondito nulla sit vtilitas?' Cui cum respondissem 'Legi,' statim intulit. 'Cur ergo scientiam de scaccario que penes te plurima esse dicitur alios non doces et ne tibi commoriatur scripto commendas.' Tum ego, 'Ecce frater ad scaccarium iam per multa tempora resedisti et nihil te latet cum scrupulosus sis. Sic et de ceteris qui assident probabile est.' At ille, 'Sicut qui in tenebris ambulant et manibus palpant frequenter offendunt, sic illic multi resident qui videntes non vident et audientes non intelligunt.' Tum ego, 'Irreuerenter loqueris, nec enim scientia tanta est vel de tantis; set forte sunt illis, qui magna aucupantur, corda ut pedes aquile qui parua non retinent et quos magna non effugiunt.' Et ille, 'Esto, set licet aquile celsius volent, tamen in humilibus quiescunt et reficiuntur, et ob hoc humilia nobis exponi petimus ipsis aquilis profutura.' Tum ego, 'Veritus sum de hiis rebus opus contexere que corporeis sensibus subiecta sunt et cotidianis vsibus vilescunt, nec est vel esse potest in eis subtilium rerum descriptio vel iocunda nouitatis inuentio.' Et ille, 'Qui nouitatibus gaudent, qui subtilium rerum fugam appetunt, habent Aristotilem et libros Platonicos, audiant illos. Tu scribe B non subtilia set vtilia.' Tum ego, 'De hiis rebus quas petis impossibile est nisi rusticano sermone et communibus loqui verbis.' At ille velut succensus in iram, desideranti enim animo nihil satis festinatur, ait, 'Artium scriptores ne multa parum scisse viderentur et ut ars difficilior cognitu fieret, multa conquisierunt et verbis incognitis palliarunt. Tu scribendam artem non suscipis set quasdam consuetudines et iura scaccarii, que quia communia debent esse,

1–6 Anno . . . scientiam *add.* N^2 7 dicitur] debere *N* 10, 11 Sic . . . probabile est *deleuit C corr.* 11 Sicut de ceteris *C*: de ceteris *deleuit C corr.* 15 aucupantur *scripsimus*: occupantur *CNR* 16 non parua *C* 19 vobis *N* 25 scripte *R* 29–*p.* 60, *l.* 2 [scrip]tores ne . . . quibus loquimur *add.* N^2 32 vero *ante* scribendam *add. N*, *lectione R male intellecta*

communibus necessario vtendum est verbis ut sint cognati sermones rebus de quibus loquimur. Preterea quamuis plerumque noua liceat nomina fingere, rogo tamen si placet vt vsitatis rerum ipsarum vocabulis, que ad placitum sunt, vti non pudeat, nec noua difficultas ex insolitis verbis oborta amplius perturbet.' Tum ego, 'Sensi te iratum, set animequior esto; faciam quod hortaris. Surgens ergo sede ex aduerso et de hiis qui te offendunt interroga. Quod siquid inauditum proposueris non erubesco dicere "Nescio," set conueniamus ambo discretiores.' Et ille, 'Ad vota respondes. Licet autem turpis et ridicula res sit elementarius senex, ab ipsis tamen elementis incipiam.'

i A *Discipulus.* Quid est scaccarium?

Magister. Scaccarium tabula quadrangula est que longitudinis quasi x. pedum, latitudinis v. ad modum mense circumsedentibus apposita vndique habet limbum altitudinis quasi iiii. digitorum ne quid appositum excidat. Superponitur autem scaccario [superiori] pannus in termino Pasce emptus, non quilibet, sed niger virgis distinctus, distantibus a se virgis vel pedis vel palme extente spatio. In spatiis autem calculi fiunt iuxta ordines suos de quibus alias dicetur. Licet autem tabula talis scaccarium dicatur, transumitur tamen hoc nomen vt ipsa quoque curia, que consedente scaccario est, scaccarium dicatur, adeo ut si quis per sententiam aliquid obtinuerit, vel aliquid de communi consilio fuerit constitutum, dicatur factum ad scaccarium illius vel illius anni. Quod autem hodie dicitur ad scaccarium olim dicebatur ad taleas.

Discipulus. Que est ratio huius nominis?

Magister. Nulla mihi verior ad presens occurrit quam quia scaccarii lusilis similem habet formam.

Discipulus. Numquid antiquorum prudentia pro sola forma sic nominavit? Cum et simili ratione posset tabularium appellari.

1 sint] sit *CR* 3 nomina liceat noua *C* 5 nec *N corr. R*: ne *CN* 14 est quadrangula *N* 16 limbum habet *C* 19 Pasche *C* 24–29 scaccarium dicatur . . . nominis *N*² 25 obtinuerit vel aliquid *om. NR* 26 constitutum] institutum *N* 27 dicitur *add. C al. man.* 30, 31 Magister . . . formam *add. N*² *marg.* 30 occurrit ad presens *C*

Magister. Merito te scrupulosum dixi. Est et alia set occultior: sicut enim in scaccario lusili quidam ordines sunt pugnatorum et certis legibus vel limitibus procedunt B
vel subsistunt, presidentibus aliis et aliis precedentibus, sic in hoc quidam president quidam assident ex officio, et non est cuiquam liberum leges constitutas excedere quod erit ex consequentibus manifestum. Item, sicut in lusili pugna committitur inter reges, sic in hoc inter duos principaliter conflictus est et pugna committitur, thesaurarium scilicet et vicecomitem qui assidet ad compotum, residentibus aliis tanquam iudicibus vt videant et iudicent.

Discipulus. Numquid a thesaurario compotus suscipitur cum illic multi sint qui ratione potestatis maiores videantur?

Magister. Quod thesaurarius a vicecomite compotum suscipiat hinc est manifestum quia idem ab eo cum regi placuerit requiritur. Nec enim ab ipso requireretur quod non suscepisset. Sunt tamen qui dicant thesaurarium et camerarios obnoxios tantum hiis que scribuntur in rotulis 'In thesauro' vt de hiis compotus ab eis exigatur. Set verius creditur vt de tota scriptura rotuli respondeant, quod ex consequentibus constare poterit.

Discipulus. Numquid solum illud scaccarium est in quo ii
talis conflictus est?

Magister. Non. Est enim inferius scaccarium quod et 'Recepta' dicitur vbi pecunia recepta numeratur et scriptis et taleis committitur vt de eisdem postmodum in superiori compotus fiat. Vna tamen vtriusque origo est, quia quicquid soluendum esse in maiore deprehenditur hic soluitur et quod hic solutum fuerit ibi computatur.

Discipulus. Que est ratio vel institutio inferioris scaccarii? iii A

Magister. Vt video nullius horum ignorantiam sustines. Noueris autem quod inferius illud scaccarium suas habet personas ratione quidem officiorum a se distinctas, set in

2 quidam] quedam *N* 4 et aliis *om. R* 6 liberum cuiquam *C* 10 assident *N* 11 et iudicent *om. R* 12 De compoto thesaurarii *C marg.* 13 maioris *N* 18 que] qui *CR* rotulo *C* 22–29 Discipulus . . . computatur *add.* N^3 22 illud *om. N* 23 est talis conflictus *N* 25 recepta numeratur] numeranda traditur *N* 27 fiat] reddatur *N* est *ante* vtriusque *ponit N*

regis vtilitatem, salua tamen equitate, pari intentione deuotas; omnes quidem dominorum suorum nominibus non propriis militantes, exceptis duobus dumtaxat, milite scilicet qui preest examinibus, et fusore. Horum enim officia de regis tantum pendent arbitrio, vnde magis ad superius quam ad inferius pertinere videntur, sicut infra dicetur.

Illic est clericus thesaurarii cum sigillo eius. Sunt et duo milites camerariorum. Est et miles quidam qui argentarius dici potest quia ex officio argento examinando preest. Est et fusor qui argentum examinat. Sunt et quatuor computatores ad numerandam pecuniam. Est et hostiarius thesauri et vigil. Horum autem hec sunt officia. Clericus thesaurarii cum fuerit numerata pecunia et in forulos missa per centenas libras apponit sigillum et deputat scripto quantum vel a quo vel ob quam causam receperit. Taleas quoque de eadem recepta a camerariis factas imbreuiat. Non solum autem pecunie saccis sed et archis et singulis forulis in quibus rotuli vel talee collocantur si libet apponit sigillum et ad omnia subiecta officia diligenter prospicit et nil eum latet. Militum, qui et came-
B rarii dicuntur quia pro camerariis ministrant, hoc est officium. Hii claues archarum baiulant, arche enim cuilibet due sere sunt diuersi generis; hoc est cuius neutri clauis alterius possit aptari—et hii claues earum deferunt. Circumcingitur autem quelibet archa corrigia quadam immobili in qua desuper, firmatis seris, thesaurarii sigillum apponitur vt nulli eorum nisi de communi assensu accessus pateat. Item officium horum est numeratam pecuniam et in vasis ligneis per centenos solidos compositam ponderare, ne sit error in numero, et tunc demum in forulos mittere per centenas, vt dictum est, libras. Quod si vas aliquod inuentum est minus habens, non quidem per estimationem quod deesse putatur apponitur sed statim in aceruum

3 dumtaxat *om. N* milite *om. C*: militibus *N corr.* scilicet] dumtaxat *N* 4 presunt *N corr.* 12 *post* hostiarius *add.* et *R* 14 missa *post* libras *ponit C* 19 apponit sigillum si libet et ad omnia subiecta *R*: et ad omnia apponit sigillum si libet; subiecta *C* 20 *posterius* et *om. R* 23–29 neutri . . . cen[tenos] N^3 25 autem] enim *N* 30 et *om. N* 31 aliquod *om. C* 33 de quo dubitatur *ante* in *ponit N*

numerandorum id de quo dubitatur proicitur. [Et nota quosdam comitatus a tempore regis Henrici primi et in tempore regis Henrici secundi licite potuisse cuiuscunque monete denarios solutioni offerre dummodo argentei essent et ponderi legitimo non obstarent; quia scilicet monetarios ex antiqua institutione non habentes vndecunque sibi denarios perquirebant, quales sunt Norhumberland et Cumberland. Sic autem suscepti denarii, licet de firma essent, seorsum tamen ab aliis cum quibusdam signis appositis mittebantur. Reliqui vero comitatus solos vsuales et instantis monete legittimos denarios tam de firmis quam de C placitis afferebant. At, postquam rex illustris cuius laus est in rebus magnis excellentior sub monarchia sua per vniuersum regnum vnum pondus et vnam monetam instituit, omnis comitatus vna legis necessitate teneri et generalis commercii solutioni cepit obligari. Omnes itaque idem monete genus quomodocunque teneantur soluunt. Sed tamen exactionis que de combustione prouenit iacturam omnes non sustinent.] Item hii taleas faciunt de receptis, et commune est eis cum clerico thesaurarii vt per breuia regis vel precepto baronum, thesaurum susceptum expendant, non tamen inconsultis dominis suis. Hii tres simul omnes vel vicissim cum thesauro mittuntur cum oportuerit. Hiis tribus precipua cura est in omnibus hiis que inferiori scaccario fiunt.

Discipulus. Ergo vt video licet hiis per breue regis vel precepto eorum qui president thesaurum susceptum consultis tamen dominis suis expendere.

Magister. Licet, inquam, hoc modo. De liberationibus seruientium inferioris scaccarii et de minutis necessariis scaccarii emendis, qualia sunt vasa illa lignea et alia de quibus infra dicetur, eorum fidei committitur. Alias autem non. Qui vero breue regis vel cartam detulerit pro pecunia, precipientibus dominis suis, hac ei lege soluatur id quod D expresse nominatur in breui vt, antequam exeat, susceptam

1 id de quo *scripsimus*: idem quod *C* de quo *NR* 5 quod si *N* 9 quibusdam] quibus *N* 10 mittebantur *C*: mittebant *N*: *lac. R* 11 firmas *R* 15 omnes *N* 16 commercii] c . . . *R* 17 teneant *N* 19 sustineant *N* 24 fiunt *C in rasura*: fuerit *R* 29 seruientium *post* scaccarii *ponit C marg.* 33, 34 id . . . nominatur *om. R*

pecuniam numeret. Quod si quid defuerit redeat ad scaccarium is qui suscepit et fidei religionem prestet sub hac forma quod quantam suscepit reportauit, non apposito secundum conscientiam suam vt fit in aliis, et hoc facto soluatur ei quod restat, numerata prius eadem coram omnibus a constitutis computatoribus. Si vero, lege sibi proposita, hostium thesauri egressus fuerit quecunque fuerit persona vel quantacumque iactura non ei respondeatur. Militis argentarii et fusoris officia sibi videntur annexa et ad superius scaccarium magis pertinentia et ob hoc ibidem cum ceteris officiis explananda. Quatuor computatorum officium hoc est. Cum in scaccarium numeranda pecunia mittitur, vnus eorum diligenter totam commiscet vt non seorsum meliores et seorsum deteriores sint set mixti vt ponderi respondeant. Quo facto camerarius ad libram scaccarii ponderat quantum oportet in trutina; quod si numerus xx. solidorum plusquam sex nummis excreuerit respectu libre, indigna recipi dicitur. Si vero vel ad vi. vel infra se cohibet, suscipitur et a computatoribus diligenter per centenos solidos vt predictum est numeratur. Si vero de firma sunt denarii et sint examinandi, facta commixtione xliiii. solidorum de aceruo in loculum seorsum mittuntur, et huic vicecomes signum suum apponit vt ex hiis post-
E modum examen, quod vulgo essaium dicitur, fiat sicut ex sequentibus liquebit. Erit autem cure eorum qui presunt recepte gratia dominorum suorum, hoc est clerici thesaurarii et camerariorum vt recepta pecunia seorsum mittant examinati argenti pondera et denarios de firma, appositis quibusdam signis saccis eorum, vt si rex vasa argentea ad cultum domus dei vel ad domus proprie obsequium vel forte monetas transmarinas fieri voluerit ex hiis fiant.

Discipulus. Est aliquid in predictis quod me pulsat.

Magister. Dic ergo.

Discipulus. Dixisti si bene memini quod ad scaccarium quandoque soluenda differtur pecunia que iudicatur indigna

3 non] ñ *R* 6 a *R corr.*: ab *CNR* 6–12 computatoribus ... est N^3 8 quantumcumque *C* 11 Quatuor *om. N* 12 hoc *om. N* 18 integra *N in rasura* 24, 25 exequentibus *R*: ex consequentibus sicut *N* 35 differtur *ante* soluenda *ponit R*, *post* pecunia *C*

recipi. Si scilicet pensata cum libra ponderis de scaccario inuenta est minus habens vltra vi. Cum ergo quilibet moneta regni huius impressam habere debeat regis imaginem et ad idem pondus omnes monetarii teneantur operari qualiter fieri potest vt non omne eorum opus eiusdem ponderis sit.

Magister. Magnum est quod queris et alterius egens inquisitionis. Attamen fieri potest per falsarios et nummorum decurtatores vel detonsores. Noueris autem monetam Anglie in tribus falsam deprehendi, in falso scilicet pondere, in falsa lege, in falsa imagine. Hiis tamen falsi- F
tatibus par poena non debetur. Sed de hiis alias.

Discipulus. Si placet persequere de officiis vt cepisti.

Magister. Ad hostiarii curam spectat vt excludat vel admittat quod oportet et diligens sit in custodia omnium que hostio concluduntur. Vnde et ratione hostii de singulis breuibus exitus duos habet denarios. Hic ministrat forulos ad pecuniam reponendam et rotulos et taleas et cetera necessaria per annum et pro singulis forulis duos habet denarios. Hic in omnem receptam ligna oportuna ministrat ad taleas recepte et compotorum, et semel, hoc est in termino sancti Michaelis, v. solidos pro lignis talearum percipit. Hic vascula lignea, cnipulos, loculos et corrigias et cetera minuta necessaria de fisco inuenit. In termino eodem pro incausto totius anni ad vtrumque scaccarium ii. solidi debentur quos sibi de antiquo iure vendicat sacrista maioris ecclesie Wintoniensis. Vigilis officium idem est ibi quod alibi, diligentissima scilicet de nocte custodia thesauri principaliter et omnium eorum que in domo thesauri reponuntur. Sic habes omnium officia distincta qui inferius ministrant. Sunt et hiis liberationes constitute dum scaccarium est; hoc est a die qua conuocantur usque ad diem qua generalis est secessio. Clericus thesaurarii qui infra est v. denarios habet in die. Scriptor eiusdem thesaurarii

2 vltra] quam *C* 4–11 et ad idem . . . falsa imagine N^{s}: *verbis* omne eorum, attamen, -tam Anglie . . . imagine *manu recentiori exaratis in margine* 5 poterit *N* 19 per singulos forulos *R* 21 tales *R* 23 cinipulos *C* 27 Wintoniensis *scripsimus*: Westmonasterii *CR*: Westmonasterium *N* 32 hoc] hic *N*

G in superiori scaccario similiter v. Scriptor cancellarii v. Duo milites baiuli clauium quisque in die viii. ratione militie; asserunt enim quod equis necessariis et armis instructi fore teneantur vt cum thesauro missi quod sui officii fuerit oportunius sic exequantur. Miles argentarius xii. in die. Fusor v. Hostiarius maioris scaccarii v. Quatuor computatores quisque iii. si Londoniis sunt, si Wintonie, quia inde solent assumi, ii. quisque habet. Vigil, vnum denarium. Ad lumen cuiusque noctis circa thesaurum, obulus.

Discipulus. Hostiarius thesauri qua ratione liberationem solus non percipit?

Magister. Non satis noui, sed tamen quia videtur aliquid percipere ratione hostii et pro forulorum et talearum ministerio liberationem forte non recipit vel forte quia non regi sed magis thesaurario et camerariis seruire videtur in custodia hostii domus eorum. Hac lege minoris scaccarii vel recepte ratio subsistit.

Discipulus. Sic michi satisfactum est in hac parte vt nil deesse videatur. Nunc ergo si placet prosequere de maiore.

iiii A *Magister.* Licet eorum qui ad maius scaccarium resident, officia quibusdam videantur proprietatibus esse distincta vnum tamen officium omnium est et intentio vt regis vtilitati prospiciant, salua tamen equitate, secundum constitutas leges scaccarii. Eius autem ratio vel institutio cum ipsa temporis antiquitate tum magnorum qui assident auctoritate roborata subsistit. Ab ipsa namque regni conquisitione per regem Willelmum facta cepisse dicitur sumpta tamen ipsius ratione a scaccario transmarino. Verum in plurimis et pene maioribus dissident. Sunt etiam qui credant vsum eius sub regibus Anglicis extitisse hinc sumentes huius rei argumentum quod coloni et iam decrepiti senes fundorum illorum qui corone annominantur quorum in hiis cana memoria est optime nouerint a patribus suis edocti

5 oportunius] apostumus *N*: *om. R* 6 *post* xii. *add.* denarios *N* 7–14 [computa]tores . . . ratione N^3 7 *post* iii. *add.* denarios *N* Lund. *R* fuerint *N* 11 qua *om. C* 12 solus *om. N* 23 omnium *om. N* 24 propreiciant *C* 29 ratione ipsius *C* 31 *post* hinc *add.* crepiti senes (*quae duo verba punctis deleuit*) *N* 32 rei huius *NR*

quantum de albo firme pro singulis libris soluere teneantur. Sed hec ratio cogens est de firme solutione non de scaccarii sessione. [Videtur autem eis obuiare qui dicunt album firme a temporibus Anglorum cepisse quod in libro iudiciario in quo totius regni descriptio diligens continetur et tam de tempore regis Edwardi quam de tempore regis Willelmi, sub quo factus est, singulorum fundorum valencia exprimitur nulla prorsus de albo firme fit mentio. Vnde probabile videtur quod facta illa descriptione tempore iam dicti regis de albo firmarum fuerit a studiosis eius constitutum propter B
causas que inferius annotantur.] Quocumque vero tempore ceperit vsus eius, certum est quod magnorum auctoritate roboratur adeo vt nulli liceat statuta scaccarii infringere vel eis quauis temeritate resistere. Habet enim hoc commune cum ipsa domini regis curia in qua ipse in propria persona iura discernit quod nec recordationi nec sententie in eo late licet alicui contradicere. Huic autem curie tam insignis auctoritas est cum propter regie ymaginis excellentiam que in sigillo eius in thesauro indiuidua lege seruatur tum propter eos qui assident vt dictum est quorum sollertia totus regni status indempnis seruatur. Illic enim residet capitalis domini regis iustitia, primus post regem in regno ratione fori, et maiores quique de regno qui familiarius regiis secretis assistunt vt quod fuerit sub tantorum presentia constitutum vel terminatum inuiolabili iure subsistat. Verum quidam ex officio, quidam ex sola iussione principis resident. Ex officio principaliter residet, immo et presidet, primus in regno, capitalis scilicet iustitia. Huic autem assident ex sola iussione principis momentanea scilicet et mobili auctoritate quidam qui maiores
et discretiores videntur in regno siue de clero sint siue C
de curia. Assident inquam ad discernenda iura et dubia determinanda que frequenter ex incidentibus questionibus oriuntur. Non enim in ratiociniis sed in multiplicibus iudiciis excellens scaccarii scientia consistit. Facile enim

5–11 regni . . . annotantur N^3 6 de tempore *om.* *N* 14 eius quiuis *C* 17 in eo] eius *R* licet et alicui *R* 18 de thesauro *NR* 21 indempnis status *N* 26 ex officio quidam *om.* *R* 31 regio *N* 35 consistit] consulit *R*

est, proposita summa que exigitur et suppositis ad collationem eius hiis que soluta sunt, per subtractionem discernere, si satisfactum est vel si quid restat. At cum ceperit multiplex inquisitio fieri de hiis rebus, que varie fisco proueniunt, et diuersis modis requiruntur et a vicecomitibus non eodem modo perquiruntur, discernere si secus egerint quibusdam graue est et ob hoc circa hoc scientia scaccarii maior esse dicitur. Dubiorum vero vel dubitalium iudicia que frequenter emergunt sub vna tractatus serie comprehendi non valent quia nec dum omnia dubiorum genera in lucem prodierunt. Quedam tamen ex hiis que proposita vel determinata cognouimus suis locis inferius annotabimus.

Discipulus. Quid est huius tam excellentis sessoris
V officium ?

A *Magister.* Aliud verius attribui sibi non valet nisi quod omnibus que in inferiore vel superiore scaccario fiunt hic prospicit et ad nutum ipsius quelibet officia subiecta disponuntur ; sic tamen vt ad domini regis vtilitatem iuste proueniant. Hoc tamen inter cetera videtur excellens quod potest hic sub testimonio suo breue domini regis facere fieri vt de thesauro quelibet summa liberetur, vel vt computetur alicui quod sibi ex domini regis mandato prenouerit computandum, vel si maluerit breue suum faciet sub aliorum testimonio de hiis rebus.

Discipulus. Magnus est hic cuius fidei totius regni cura immo et cor regis committitur. Scriptum quippe est : ‘vbi est thesaurus tuus ibi est et cor tuum.’ Set iam si placet prosequere de ceteris.

Magister. Vis prosequar de ipsis secundum gradus dignitatum an secundum dispositionem sedium ?

Discipulus. Secundum quod quisque ratione officii sui sedem adeptus est. Facile enim erit, vt credo, ex officiis perpendere dignitates.

Magister. Vt noueris quo ordine disponantur, scias ad

1–5 ad collationem . . . requiruntur *N*[3] 3 satis off'm *R* 7 circa hec *N* 8 dubitabilium *N* 10 omnium *N* 17 in *om.* *NR* fuerit *NR* 22 quilibet *N* 27 quippe] enim *C* 28 et *om.* *C* 33 officio *N*

quatuor scaccarii latera quatuor poni sedilia vel scanna. Ad capud vero scaccarii, hoc est vnde latitudo discernitur, in medio non sedilis sed scaccarii locus est illius principalis de quo supradiximus. In leua eius primo loco residet cancellarius ratione officii sui, si adesse eum contigerit, post hunc miles gregarius quem constabularium dicimus, B post hunc duo camerarii, prior autem qui intuitu prouectioris etatis venerabilior esse videbitur, post hos miles qui vulgo dicitur marescallus. Inseruntur tamen quandoque alii hiis absentibus vel forte eis presentibus si tanta scilicet fuerit auctoritas eorum qui a rege destinantur vt eis cedere debeant ; et hec est dispositio primi sedilis. In secundo vero quod est ad latus longitudinis scaccarii in primo capite residet clericus vel alius seruiens camerariorum cum recautis hoc est cum contrataleis de recepta, post hunc, interpositis quibusdam qui non ex officio resident set sunt a rege missi, locus est quasi in medio lateris scaccarii illi qui compotos positione ponit calculorum ; post hunc aliqui non ex officio necessarii tamen et in fine sedilis illius residet clericus qui scriptorio preest et hic ex officio. Sic habes secundi scanni dispositionem. Verum ad dextram presidentis iustitiarii residet primo loco nunc Wintoniensis episcopus quondam Pictauensis archidiaconus ex officio quidem set ex nouella constitutione, vt scilicet proximus sit thesaurario et scripture rotuli diligenter intendat. Post hunc residet thesaurarius in capite secunde sedis in dextera, cui diligentissima cura est per singula que illic geruntur quasi rationem de hiis omnibus si oportuerit reddituro. Post hunc residet clericus eius scriptor rotuli de thesauro, post hunc alius scriptor rotuli de cancellaria, post hunc clericus cancellarii qui oculata fide semper prospicit vt rotulus suus alii per C singula respondeat vt nec iota vnum desit nec alius sit ordo scribendi, post hunc quasi in fine sedilis illius residet clericus constabularie, magnus quidem et officiosus in domini regis curia et hic quidem habens officium quod per se ipsum vel

5 contingat *N* 7 postea *N* 9 Inseruuntur *R* 16 quibusdam *R corr.*: quibus *CNR* 17, 18 compoto *R* 18 ponit *om. C* 19 et *om. N* 23 archid'n' *R* *ante* ex *add.* non *N* 26 cuius *C* 31 oculata *Liebermann*: occulta *codd.* prospiciat *C*

per clericum discretum si regi visus fuerit alias magis necessarius, administrat; et hec est descriptio tertie sedis. In quarto scanno quod est oppositum iustitiario, in capite residet magister Thomas cognomento Brunus cum rotulo tertio qui ex novella constitutione, hoc est a domino rege nostro, additus est. Quia scriptum est 'funiculus triplex difficile soluitur.' Post hunc vicecomes et clerici sui qui assident ad compotum cum taleis et aliis necessariis; et hec est dispositio quarte sedis.

Discipulus. Scriptor magistri Thome numquid sedem habet cum aliis scriptoribus?

Magister. Sedem quidem habet non cum aliis sed super alios.

Discipulus. Quare sic?

Magister. Cum enim sic disposite essent sedes ab initio vt scriptor thesaurarii ad latus suum resideret ne quid scriberetur quod oculum eius effugeret, et item scriptor cancellarie ad latus scriptoris thesaurarii vt fideliter exci-
D peret quod ille prescribebat, et item clericus cancellarii necessario proximus esset illi scriptori ne posset errare, non superfuit locus in quo scriptor ille resideret in serie scanni set datus est ei locus in eminenti vt prospiciat et immineat scriptori thesaurarii qui primus scribit, et ab ipso quod oportet excipiat.

Discipulus. Huic oculi lincei necessarii essent ne erraret; periculosus enim in hiis error dicitur.

Magister. Licet erret interdum in excipiendo quia remotus est tamen dum rotuli corriguntur, facta omnium trium collatione, facile erit errata corrigere.

Discipulus. Satis hactenus dictum est de ordine sedentium, nunc de eorum officiis si placet exequere incipiens a leua presidentis.

Magister. Cancellarius in ordine illo primus est et sicut in curia sic ad scaccarium magnus est adeo vt sine ipsius consensu vel consilio nil magnum fiat vel fieri debeat;

3 appositum *CN* iustitiariis *CR* 4 cognomine *N* 11, 12 scriptoribus? *Magister.* Sedem quidem habet non cum aliis *om. R* 28 facta rotuli corriguntur *C*: corriguntur rotuli facta *R* 31 nunc] nec *R* 34 ad] et *R*

verum hoc habet officium dum residet ad scaccarium. Ad ipsum pertinet custodia sigilli regii, quod est in thesauro set inde non recedit nisi cum, precepto iustitie, ab inferiore ad superius scaccarium a thesaurario vel camerario defertur ad explenda solum negocia scaccarii. Quibus peractis in loculum mittitur et loculus a cancellario consignatur et sic E thesaurario traditur custodiendus ; item cum necesse fuerit signatus sub omnium oculis cancellario offertur nunquam ab ipso vel ab alio alias efferendus. Item ad ipsum pertinet rotuli qui est de cancellaria custodia per suppositam personam. Et, sicut viris magnis visum est, de omni scriptura rotuli cancellarius eque tenetur vt thesaurarius excepto dumtaxat de hoc quod scribitur 'in thesauro' receptum ; licet enim non prescribat vt thesaurarius, conscribit tamen, et si ille errauerit licet ipsi vel clerico eius thesaurarium cum modestia corripere et quid debeat, suggerere. Quod si thesaurarius perseuerauerit et mutare noluerit poterit eum, si de parte sua confidit tantum, coram baronibus arguere vt ab eis quid fieri debeat iudicetur.

Discipulus. Veri simile etiam videtur custodem tertii rotuli eadem scripture lege constringi.

Magister. Non est veri simile tantum set verum. Par enim est auctoritas illius duobus rotulis ratione scripture quia sic placuit eius auctori.

Constabularii officium est ad scaccarium vt in breuibus regis de exitu thesauri, vel de aliquibus computandis hiis qui compotum faciunt, simul cum presidente testis existat. F In omnibus enim huiusmodi breuibus ex antiqua institutione duos oportet conscribi testes. Item eius officium est vt cum ad scaccarium stipendiarii regis venerint pro stipendiis suis siue sint residentes in castris regis siue non, assumpto secum clerico constabularie, cuius est terminos eorum nosse, et marescallo scaccarii, computet eorum liberationes et de retractis fidem suscipiat et residuum solui faciat. Omnis enim liberatio quorumcunque siue

5 Quibus] Quilibet *N* peractus *R* 9 offerendus *R* 14 conscribit] scribit *R* 16 Quod] Sed *C* 22 *Magister om. R* 23 illis *C* 28 omnibus] hiis *C* 30 vt *om. N* stipendarii *N* 32 ascito *NR* 33 nosce *N*

accipitrariorum siue falconariorum siue bernariorum ad eius officium spectat, si presens fuerit, nisi forte dominus rex ad idem aliquem prius assignauerit quia constabularius a rege non facile potest auelli propter maiora et magis vrgentia. [Notandum vero quod marescallus scaccarii de liberationibus residentium militum percipit quod ad eum pertinet ratione officii sui, de commeantibus autem non.] Item huic cum aliis magnis commune est vt nichil magnum eo inconsulto fieri debeat.

Camerariorum officium annexum est officio thesaurarii, quia vno et eodem pretextu honoris vel dispendii militare noscuntur, et est eis idem velle et idem nolle ad honorem regis adeo vt quod ab vno factum fuerit a nullo eorum dicatur infectum. Thesaurarius enim pro se et pro eis suscipit compotos et secundum qualitates exactorum verba ministrat in scri-
G pturam rotuli in quibus omnibus pari iure societatis obligantur, et sic de aliis que vel ab hoc vel ab hiis salua fide domini regis fiunt siue in scriptis siue in receptis siue in taleis siue in expensis.

Marescalli cura est taleas debitorum, quas vicecomes reddiderit, que tamen annotantur in rotulo, mittere seorsum in forulo suo, breuia quoque regia de computandis vel perdonandis vel dandis hiis que exiguntur a vicecomite per summonitionem. Illi vero forulo superscriptio comitatus cuius hec sunt apponitur et singulis comitatibus singulos oportet forulos a vicecomite qui computat marescallo ministrari.

Discipulus. Est hic aliquid quod me mouet.

Magister. Satis presensi. Sustine tamen modicum, plana enim erunt omnia ex consequentibus. Item si quis debitor non satisfaciens de summonitione meruerit comprehendi, huic traditur seruandus; et soluto scaccario illius diei si voluerit mittet eum in carcerem custodie publice, non tamen vinculabitur vel in ima trudetur set seorsum vel supra carcerem; licet enim soluendo non sit tamen ob hoc

1, 2 officium eius *N* 12 et idem nolle *om. R* 21 que tamen *om. R per rasuram* 23 exigentur *R* 32 et] etiam *N* 33 mittetur *N* 34 in ima *N corr.*: arma *N*

non meruit cum sceleratis deputari. [Ita tamen si miles H non fuerit, de militibus namque pro pecunia retentis illustris regis est constitutio que infra annotabitur in agendis vicecomitis.] Item ad hunc spectat vt, peracto compoto vicecomitis vel custodis vel cuiuscunque persone que ad compotum residet, fidem ab ipso suscipiat in publico quod legitimum compotum secundum conscientiam suam fecerit. Si vero vicecomes vel qui computauit aliquo debito tenetur, addet quod a scaccario, hoc est a leugata ville in qua est, non discedet, nisi ipsa die rediturus, sine licencia baronum. Item hic factas summonitiones contra terminum alterius scaccarii a latore sigilli regii signatas sub numero suscipiet et hostiario superioris scaccarii per manum suam distribuet per Angliam deferendas. Sic habes eorum qui in primo scanno resident officia distincta.

In capite vero secunde sedis primus est seruiens camerariorum, clericus seu laicus, cuius officium paucis expediri potest, verbo tamen non opere. Hic taleas de thesauro contra vicecomitem, vel eum qui computat, ministrat et, cum oportuerit, secundum quod ratio computationis exegerit, mutat vel minuit vel addit in talea, apposita eidem contratalea vicecomitis; quo facto in termino Pasche longiorem vicecomiti reddit, iterum in termino sancti I Michaelis afferendam. In termino vero sancti Michaelis, cum in rotulo summa eius scripto fuerit deputata, tradit eandem longiorem marescallo in forulo suo reponendam.

Discipulus. Miror quod dixisti taleam semel compoto oblatam et receptam iterum alii compoto offerendam.

Magister. Noli mirari, quoniam quecunque exacta vel soluta fuerint a vicecomite in termino Pasche, necesse est iterum summoneri; non tamen ut secundo soluatur quod iam solutum fuerit, set ut offerant se compoto et oblata talea solutionis iam dudum facte redigatur in scripturam rotuli et sic absoluatur a debito. Dum enim taleam

1 cum *om. N* 3 constitutio est *RN* 5 qui *C* 9 hoc est quod a leugata *C* 12 lat'e *C* regis *C* 23 in *om. R* 27 dixistis *N* 28 ablatam *N* et receptam] recepte *N*: *om. R* iterum *om. N, sed est lacuna* alii *om. R* 29 quoniam quecunque] quoniam quicunque *R*: *om. N, sed est lacuna* 30 fuerit *N* 31 iterato *NR* 33 dudum] dictum *R*

penes se habuerit, liberatus non erit, set semper summonendus.

Discipulus. Et hec necessaria visa sunt. Set prosequere si placet de officiis.

Magister. Immo quia de taleis mentionem fecimus, quo ordine taleandi ratio consistat paucis aduerte. Talearum igitur alia est que simpliciter talea dicitur, alia quam memorandam nuncupamus. Legittime vero talee longitudo a summitate indicis ad summitatem extenti pollicis est. Illic terebro modico perforatur. Memoranda vero, que de firma blanca semper fieri solet, paulo breuior est quia, facto K essaio per quod firma dealbatur, prima illa confringitur et, apposita sibi talea combustionis, talee longitudinem tunc primo meretur. Hac autem ratione fit incisio. In summo ponunt m. li. sic vt incisio eius spissitudinis palme capax sit, c. li. vt pollicis xx. li. vt auricularis, libre vnius incisio quasi grani ordei tumentis, solidi vero minus, sic tamen vt ex conscissionibus loco vacuato modicus ibi sulcus fiat. Denarius facta incisione nullo dempto signatur. Ex qua vero parte millenarius inciditur alium non pones numerum nisi forte mediam eius partem sic vt mediam similiter incisionis eius partem demas et infra constituas. Sic fit si c. li. incisurus es et non sit ibi millenarius; facies sic et de xx. li.; sic et de xx. solidis quos libram dicimus. Quod si multi millenarii vel centenarii vel vigene librarum incidende sunt lex eadem seruetur, vt ex patentiore parte eiusdem talee, hoc est que directe tibi proponitur facta annotatione, maior numerus, ex altera vero minor incidatur. Ex patentiore vero parte semper est maior numerus in summo, ex minus patente semper minor [hoc est denarii]. Marce argenti ad scaccarium incisio sola significatiua non est, set per solidos designatur. Marcam autem auri in medio talee sicut libram unam incidas. Aureum vero vnum non prorsus vt argenteum set ducto directe incidentis cul-

1 penas *R* 7 simplex *C* 9 vsque ad *N* 11 facta *C* 14 In summo *om. R* 15, 16 sic . . . xx. li. *C marg.* 15 [sic vt incis.] *has apices om. C* [inis pal] *has apices om. C* 16 [c. li. vt p.] *has apices om. C* 22 fit *om. NR* 24 decimus *R* 26 seruatur *C* 27 qui *C* sibi *N* 29 vt potentiore *N* est *om. N* 31 *post* Marce *add.* vero *C, sed deletum*

tello per medium talee non obliquando sicut fit in argenteo. L Sic igitur ipsa locorum dispositio et incisionis differentia quid aureum vel quid sit argenteum vtrumque determinat. Ceterum oportunius hec omnia visu quam verbo cognosces.

Discipulus. Quod de hiis restat oculata fide constabit. Nunc si placet de officiis prosequere.

Magister. Post hunc, vt supra diximus, interpositis viris aliquibus discretis a rege missis, residet is qui ex precepto regis computationes facit positione nummorum pro calculis. Officium quidem satis perplexum est et laboriosum ; et sine eo vix vel nunquam scaccarii ratio posset expediri. Set nulli illic residenti conuenit ex officio nisi cui rex vel iusticia mandauerit exequendum. Laboriosum inquam, quia cetera officia lingua vel manu vel hiis duobus explentur. Set in hoc ‘lingua, manus, oculi mens indefessa laborant.’

Huius autem hec est ratio secundum consuetum cursum scaccarii non legibus arismeticis. Memoriter, vt credo, dixisse me retines scaccario superponi pannum virgis distinctum in cuius intersticiis numerales acerui collocantur. Porro calculator in medio lateris residet vt pateat omnibus et vt liberum habeat ministra manus excursum. Statuit autem ad dexteram in spatio inferiore aceruum nummorum M ab xi. et infra. In secundo, solidorum a xix. et infra. In tertio vero librarum et hic quidem ipsi recta fronte debet opponi, quia medius est in consuetis compotis uicecomitis. In quarto aceruus est vigenarum. In quinto centenarum, in sexto millenarum, in septimo set raro decem millium librarum. Raro inquam, hoc est cum a rege vel mandato eius a magnis regni compotus a thesaurario et camerariis regni totius recepte suscipitur. Licet autem calculatori pro x. solidis argenteum, pro x. vero libris, obulum aureum apponere vt compotus expeditius fiat. Cauendum vero est ne manus preambula linguam preueniat vel e conuerso; set simul qui computat, et calculum mittat et numerum designet, ne sit error

3 vtcumque *N* 8 et residet his *R* 9 facit] fiat (*sed deletum*) *R* 12 nisi *om. R* 14 vel hiis] hec his *R* 21 ministrat *R* 22 numerorum *N* 26 centenarium *N* 27 millenarium *N* 29 regni . . . camerariis *om. N* 31 solidis . . . decem *om. R* 32 expeditius *om. R* 33 peruenIat *R* vel e conuerso *Madox*: vel euerso *CNR*

in numero. Disposita igitur per aceruos summa que a vicecomite requiritur, disponuntur infra similiter per aceruos que soluta fuerint vel in thesauro vel alias. Quod si fuerit firma numero que ab ipso requiritur, vel quodlibet aliud debitum cui solo possit numero satisfieri, simplex fiet detractio inferioris a superiore summa et de residuo tenebitur. Secus autem fiet si firmam blancam sit soluturus quod in agendis vicecomitis plenius ostendetur.

Discipulus. Parce parumper currenti calamo vt liceat paucis vti.

Magister. 'Ad aleam resides nec sunt tibi verba neganda.'

N *Discipulus.* Videre mihi videor fieri posse ratione calculandi vt idem denarius pro calculo missus nunc vnum nunc solidum nunc libram nunc centum nunc mille significet.

Magister. Sic est quibusdam tamen appositis. Itemque fieri potest eisdem demptis, si calculatori placeat, vt qui mille significat gradatim descendens vnum significet.

Discipulus. Sic fit vt quiuis de plebe, cum homo sit et aliud esse non possit, temporalibus appositis voluntate presidentis ab imo conscendat in summum ac deinceps fortune lege seruata retrudatur in imum, manens quod fuerat, licet videatur ratione dignitatis et status a se sibi mutatus.

Magister. Nescis quod sermo tuus non capit in omnibus: verum, quicquid aliis videatur, mihi satis placet quod ex hiis alia conicis. In mundanorum enim tribulis mistici intellectus flores querere laudabile est. Nec in hiis tantum que commemoras set in tota scaccarii descriptione sacramentorum quedam latibula sunt. Officiorum namque diuersitas, iudiciarie potestatis auctoritas, regie imaginis impressio, citationum emissio, rotulorum conscriptio, villicationum ratio, debitorum exactio, reorum condempnatio vel absolutio districti examinis figura sunt, quod reuelabitur cum omnium

1 Deposita *N* 4 ipsa *C* 8 ostenditur *N* 11 aliam *R* 14 nec vnum *C* nec centum nec mille *R* 16 tamen *om. N* 21 summa *N* 22 retrudatur retrudatur *C* ima *N* 25 Noscis *R* 26 videtur *C* 27 enim] vero *N* misti *R* 28 qui *N* 30 Offeriorum *R* 32 scitationum *NR*

libri aperti erunt et ianua clausa. Set de hiis hactenus. Nunc prosequamur de officiis. Post hunc qui calculis in- O seruit primus residet ex officio clericus qui preest regis scriptorio. Ad hunc pertinet scriptores idoneos ad rotulum cancellarie et ad breuia regis que in scaccario fiunt, nec non et summonitiones conscribendas inuenire, et vt bene fiant prospicere; que quidem officia, licet paucis exprimantur verbis, infinitis tamen vix expleri possunt laboribus; quod norunt hii qui hec ipsa rerum experientia didicerunt. Sic habes officia dispositorum in secundo sedili.

Discipulus. Si bene memini primus ad dexteram presidentis residet Wintoniensis episcopus, cuius officium in scaccario vellem protinus expediri. Magnus enim est et nisi magnis occupari non debet.

Magister. Magnus est procul dubio et magnis intentus in multa distrahitur sicut in Tricolumni plenius est ostensum. Hic ante tempora promotionis dum paulo inferior in regis curia militaret, visus est fide et industria P regiis negotiis necessarius et in computationibus atque in rotulorum et breuium scripturis satis alacer et officiosus. Vnde datus est ei locus ad latus thesaurarii, vt scilicet scripture rotulorum et hiis omnibus cum ipso intenderet. Thesaurarius quidem tot et tantis curis et sollicitudinibus per omnia distrahitur vt fas sit interdum tanto operi subrepere sompnum. In humanis etiam actionibus vix aliquid est vsquequaque perfectum.

Discipulus. Quid est quod dicis? Nec enim noui quid sit Tricolumnis.

Magister. Libellus quidam est a nobis vtcunque tempore iuuentutis editus de tripartita regni Anglie historia sub illustri Anglorum rege Henrico secundo. Quem, quia per tres columpnas per vniuersum digessimus, diximus Tricolumnum. In prima quidem de ecclesie Anglicane negotiis plurimis et de nonnullis rescriptis sedis Apostolice.

4 huc *N* 7 officia] offera *R* 12 cuius *om. R* 14 debet *C corr.*: debent *C* 15 est *om. R* 17 offensum *R* ante] autem *N* procurationis *N* 20 alloc *N* 24 opere *C* 25 etiam] autem *N* 29 quidem *R* tempore *om. C* 31 Quem] Que *C* 33 Tricolumpnim *R*

In secunda vero de insignibus predicti regis gestis que fidem humanam excedunt. In tertia vero de pluribus negociis tam publicis quam familiaribus, necnon et curie iudiciis agitur. Hic si forte in manus tuas inciderit, caue ne te effugiat. Vtilis enim esse poterit futuris forte temporibus, et iocundus hiis, qui de regni statu sub predicto principe solliciti fuerint. Hic enim rex licet 'attauis regibus editus' fuerit et per longa terrarum spatia trium-
Q phali victoria suum dilatauerit imperium, maius tamen est quod prodigum in se fame titulum strenuis actibus superauit. Set de hiis hactenus nunc cepta negotia prosequamur.

Discipulus. Esto, quia sic placet. Salua sit igitur reuerentia thesaurarii, hic videtur eius dignitati derogatum quia non est soli fidei ipsius per omnia creditum.

Magister. Absit. Immo magis sic eius laboribus parcitur et indempnitati prouidetur. Non enim quia vel ipsi vel alii non creditur tot et tanti resident ad scaccarium, set quia rebus magnis et regni negotiis sub tanto principe decet magnos ac multos deputari, non tantum vt vtilitati prospiciant set excellentie et honori regio deseruiant.

Discipulus. Prosequere si placet de officiis.

Magister. Officium thesaurarii vel cura vel sollicitudo ipsius vix explicari posset verbis, etiam si esset mihi 'calamus scribe velociter scribentis.' In omnibus enim et per omnia que vel in inferiore scaccario vel in superiore geruntur ipsius sollicita diligentia necessaria est. Ex predictis tamen magna pro parte constare poterit in quibus
R amplior sit eius cura, adeo vt ab hiis auelli non possit manente scaccario, in recipiendis scilicet compotis vicecomitum, et in scriptura rotuli. Ipse namque ministrat verba secundum qualitatem negotiorum in scripturam rotuli sui, a quo postmodum illud idem excipitur ab aliis rotulis

3 *post* tam *add.* in *R* et] in *R* 4 iudiciis *Madox*: iudicis *N*: iuduciis *R*: iudicibus *C* 5 potest *R* forte] vero *N*: esse *R* 7 sollici *C* 8 et *om. R* 11 prosequamus *R* 13 sic] si *N* 20 ac . . . vtilitati *om. N per lacunam* 21 regis *N* 25 scribe] scribere *C*: *om. N* 26 *prius* in *om. NR*

sicut supradictum est, et cauendum est ipsi ne vel in numero vel in causa vel in persona sit error, ne absoluatur qui quietus non est, vel rursus conueniatur qui meruit absolui. Tanta namque rotuli eius auctoritas est vt nulli liceat ei contradicere vel mutare, nisi forte tam manifestus error fuerit vt omnibus pateat. Neque tunc nisi de communi consilio omnium baronum mutari debet et ipsis presentibus cum adhuc scilicet scaccarium illius perseuerat. Scripturam vero rotuli preterito anno factam, vel etiam huius anni extantis post solutum scaccarium, nulli mutare licet nisi regi, cui super hiis licent quecunque libent. Item ad eum spectat vt ad omnia magna negotia cum superioribus assumatur et nichil eum lateat.

Scriptoris qui proximus est thesaurario officium est preparare rotulos ad scripturam ex pellibus ouinis non sine causa. Longitudo autem eorum est quanta surgit ex duabus membranis, non tamen quibuslibet set magnis, ad hoc opus ex industria procuratis, latitudo vero paulo plus vna ex- S
pansa et semis. Regulatis igitur rotulis a summo pene vsque deorsum et ex vtraque parte lineis a se decenter distantibus, prenotantur in summo rotuli comitatus et baillie de quibus infra compotus redditur. Facto vero modico interuallo quasi trium vel quatuor digitorum prescribitur in medio linee nomen comitatus de quo primo loco agendum est. Deinde in capite sequentis linee nomen vicecomitis depingitur, subsequente hoc tenore verborum 'Ille vel ille vicecomes reddit compotum de firma illius vel illius comitatus.' Deinde paulo post in eadem linea scribitur 'In thesauro' nec apponitur aliud nisi consummato compoto propter vrgentem causam que in agendis vicecomitis manifesta est. Deinde in capite sequentis linee quid in elemosina et decimis constitutis, quid etiam in liberatione de firma comitatus expendatur, exprimitur. Post hec in capite linee inferioris in terris datis annotantur ea que

1 ne *om. N* vel *om. C* 3 meruit] iaerunt *R* 6 nisi *om. C* 11 nisi *om. R* quicunque *R* 16 autem *om. N* eorum *om. C* 17 quibuslibet] quilibet *C* 21 prenotantur] numerantur *N* 23 quasi trium] quesitum *N* 28 *prius* in *om. R*

regum munificentia contulit ecclesiis, vel hiis qui eis militarunt, in fundis suis que corone annominantur, quibusdam blanca quibusdam numero.

Discipulus. Mouet me quod dicis quosdam fundos dari blancos quosdam numero.

Magister. Prosequamur ad presens de scriptoris officio et in agendis vicecomitis super hoc si libet interroga. Post terras datas, facto interuallo vnius linee, vt videantur
T etiam ipsa sui ratione seiuncta, annotantur ea que iussa sunt de firma expendi per breuia regis, quia hec constituta non sunt set casualia. Quedam etiam que sine breuibus computantur per consuetudinem scaccarii, de quibus infra dicetur; et sic terminatur compotus de corpore comitatus. Post hec facto interuallo quasi vi. vel vii. linearum fit compotus de purpresturis et escaetis sub his verbis 'Idem vicecomes reddit compotum de firma purpresturarum et escaetarum.' Set et de omnibus firmis maneriorum et de censu nemorum que annuatim debentur et soluuntur, post hec suo ordine compoti collocantur exceptis quibusdam ciuitatibus et villis et bailliis quarum maiores compoti sunt, quia constitutas habent elemosinas vel liberationes et terras datas et ad custodes earum proprie summonitiones de debitis regis diriguntur. De hiis autem compoti fiunt post consummatum omnino compotum de comitatibus in quibus sunt; qualia sunt Lincolnia, Wintonia, Mienes, Berchamstede, Colecestria, pluraque alia.

Discipulus. Miror dixisse te quosdam redditus constitutos dici firmas quosdam vero census.

Magister. Firme maneriorum sunt, census autem nemorum tantum. Que enim ex maneriis proueniunt, quia per
U agriculturam quolibet anno renouantur et redeunt, et preter hec in ipsis certi sunt constituti redditus consuetudinum iure perpetuo, merito firma et immutabilia nominantur. Que vero ex nemoribus que quotidie succiduntur et pereunt annua lege debentur, quorum non est tam firmus vel in-

6 Prosequamini *C* 9 etiam] et *C* 17 escaetar' *C* *prius* et *om.* *C* 22 earum] terrarum *N* 23 compotis *N* 26 pluraque *scripsimus*: pleraque *CNR* 29 autem *om.* *C* 30 tantum] sunt *C*

mobilis questus, set est in eis ascensus et descensus, licet non annuus, frequens tamen, census dicuntur, et sic per afferesim redditus hos censeri dicunt. Sunt tamen qui credant censum dici que a singulis hominibus soluuntur, firma vero que ex hiis surgit, vt sit firma nomen collectiuum sicut turba. Ob hoc igitur sicut creditur sic censetur ut annuum indicet et firmum non esse designet. Post hec constituta, facto iterum interuallo, fit compotus de debitis super quibus summonitus est vicecomes, pretitulatis tamen nominibus illorum iudicum quorum hec sunt. Vltimo vero de catallis fugitiuorum vel mutilatorum pro excessibus suis, et hiis expletis compotus illius vicecomitatus terminatur. Cauendum autem est scriptori ne aliquid motu animi sui scribat in rotulo nisi quod thesaurario dictante didicerit. Quod si forte per negligentiam, vel alium quemlibet casum, contigerit eum errare in scriptura rotuli vel in nomine vel in numero vel in causa in quibus vis maior scripture consistit, non presumat abradere, set V linea subtili subducta cancellet et scribat in serie quod oportet. Habet enim rotuli scriptura hoc commune cum cartis et aliis scriptis patentibus, quod abradi non debet et ob hoc cautum est vt de pellibus ouinis fiant, quia non facile nisi manifesto vitio rasure cedunt.

Discipulus. Scriptor iste de proprio an de fisco rotulos inuenit?

Magister. In termino sancti Michaelis scriptor iste v. solidos de fisco recipit, et scriptor cancellarie alios nichilominus v. ex quibus ad vtrumque rotulum et ad summonitiones et receptas inferioris scaccarii membranas inueniunt.

'Cura, labor, studium, reliqui scriptoris ad eius' latus residentis in hiis maxime consistit, vt, scilicet, excipiat de rotulo altero verbum e verbo, eodem vt prediximus ordine

3 censeri dicunt] censere debent *C*: censere dicunt *C corr.*: censiri dicunt *N*　4 credunt *C*　hominibus soluuntur *C corr.*: hominibus debentur soluuntur *C*　7 et firmum] infirmum *R*　13 est *om. C*　19–24 iste quod . . . *Discipulus* N^3　20 commune] idem *N*　21 debent *N*　26 *post* termino *add.* iste *N*　scriptor iste *om. N*　27 *apices* . . co recipit *om. C margine praeciso*　33 eidem *R*

seruato. Item ad hunc pertinet breuia regis de exitu thesauri scribere de hiis tantum rebus que consideratione baronum, consedente scaccario, a thesaurario et camerariis liberari debent. Nichilominus hic breuia regis scribit de computandis vel perdonandis hiis que barones ad scaccarium computanda vel perdonanda decreuerint. Ad hunc etiam spectat vt peractis compotis vicecomitum et taxatis debitis regis, de quibus summonitiones fiunt, easdem per totum regnum dirigendas diligenti simul et laboriosa discretione conscribat ex quibus et quorum gratia sequentis termini scaccarium conuocatur.

vi A *Discipulus.* Breuia regis de exitu thesauri sub quo tenore verborum fiunt.

Magister. Thesaurarius et camerarii, nisi regis expresso mandato vel presidentis iusticiarii, susceptam pecuniam non expendunt. Oportet enim vt habeant auctoritatem rescripti regii de distributa pecunia cum ab eis compotus generalis exigetur. Est autem hic tenor. 'H. rex' et cetera 'N. thesaurario et illi et illi camerariis salutem. Liberate de thesauro meo illi vel illi hanc vel hanc summam. Testibus his apud N. ad scaccarium.' Additur autem ad scaccarium vt sic fiat discretio breuium que in curia regis fiunt. Oportet etiam vt facto breui de exitu thesauri, vt diximus, faciat idem scriptor rescriptum eius, quod vulgo dicitur contrabreue, et illud penes se reseruabit clericus cancellarii in testimonium liberate facte per breue regis originale quod thesaurarius et camerarii habent. Breuia quoque de computandis vel perdonandis hiis que barones decreuerint computanda vel perdonanda, precognita domini regis voluntate, sub hoc tenore verborum fiunt. 'H. dei gratia
B rex' etc. 'baronibus de scaccario salutem. Computate illi vel illis hanc vel hanc summam quam liberauit ad hoc vel ad illud negotium meum. Testibus hiis ibi ad scaccarium.' Item. 'Rex baronibus de scaccario, salutem. Perdono illi' vel 'clamo quietum hunc vel illum de hoc vel de illo.

1 huc *N* 2 thesaurarii *R* 3 concedente *N* 6 huc *N* 10 et] in *R* 13 verborum *om.* *N* fiuntur *N* 14 nisi] sine *C* 20 meo] nostro *N* Teste *N* 23 etiam] enim *C* 28 que] qui *R* decreuerunt *R* 31 rex *om.* *NR*

Testibus hiis ibi ad scaccarium.' Horum autem omnium breuium rescripta penes iamdictum clericum residebunt in testimonium factorum breuium. Originalia enim computatorum vel perdonatorum breuia forulis marescalli, factis vicecomitum compotis, includuntur, de cetero, nisi contentio de eis oriatur, non exponenda. Quod autem de breuibus regis dicimus intelligendum est similiter de breuibus presidentis iusticiarii tantum cum rex absens est et cum sigilli eius impressione iura regni statuuntur, et cause citantur vt condemnentur vel absoluantur qui vocantur ad curiam; ceterum dum rex in regno Anglie fuerit breuia scaccarii nomine regio fient sub eiusdem presidentis et alicuius alterius magni testimonio. Quis autem sit tenor breuium illorum que summonitiones dicuntur plenius infra dicetur in titulo de summonitionibus.

Clericus cancellarii qui huic proximus est, licet non proprio C sed alieno nomine militet, magnis tamen occupatur et in multa distrahitur, adeo vt ab ipso initio compotorum vsque ad finem inde auelli non possit, nisi forte dum sibi propitius est substituto interim sibi discreto vicario. Huic enim prima cura est post thesaurarium in hiis omnibus que illic geruntur, maxime tamen circa rotulorum ac breuium scripturam, in hiis enim precipue versatur;

'Nam ne forte sui calamus scriptoris aberret
Prospicit hic alium sequitur dum passibus equis.'

Item hic intuetur diligenter alterius anni rotulum sibi propositum donec a vicecomite satisfactum fuerit de debitis hiis que illic annotantur et de quibus summonetur. Item residente vicecomite ad compotum, computatis et scripto deputatis hiis que constituta sunt in comitatu, breue summonitionis, cui regis sigillum appensum est, suscipit a vicecomite et de hiis debitis que illic scripta sunt vrget vicecomitem pronuncians in publicum et dicens, 'Redde de hoc tantum et de illo tantum.' Debita vero que soluuntur in integrum et de quibus satisfit, cancellet idem clericus linea ducta per medium, vt sit distinctio per hoc etiam inter

12 fiunt *C* 17 et *om. R* 19–20 prop. est *om. N per lac.* 20 sibi interim *NR* discretio *N*: decreto *R* 30 que] qui *N* sunt] est *C*

soluta et soluenda. Hic etiam custodit contrabreuia factorum ad scaccarium. Hic etiam summonitiones factas vt D predictum est corrigit et sigillat, et est ei labor infinitus atque post thesaurarium maximus.

Discipulus. 'Vtilis hic esset magis Argus quam Polifemus.'

Magister. Clericus constabularie magnus et officiosus in regis curia ad scaccarium etiam ad maiora queque cum magnis ascitur et assensu eius regia fiunt negotia. Destinatur autem a rege ad scaccarium cum contrabreuibus ad terminos scaccarii de hiis tantum que ad curiam fiunt. Hic etiam cum constabulario liberationibus militum vel quorumlibet aliorum intendit, vt predictum est, et est interdum laboriosum satis eius officium licet paucis exprimatur. Explet tamen illud frequentius per suppositam personam sicut cancellarius, quia propter maiora non facile possunt a regis presentia longius ire. Sic habes dispositorum in secundo sedili ad dexteram presidentis vtcunque distributa officia. Porro in capite quarti sedilis quod opponitur iusticiariis residet magister Thomas cognomento E Brunus. Huius ad scaccarium non vilis est auctoritas. Magnum enim et validum fidei eius et discretionis est argumentum quod a tam excellentis ingenii principe electus est vt preter antiquam consuetudinem tertium habeat rotulum in quo regni iura regisque secreta conscribat et eundem penes se reseruans quocunque voluerit deferat. Habet etiam clericum suum in inferiore scaccario, qui iuxta clericum thesaurarii residens liberam habet facultatem scribendi que recipiuntur et expenduntur in thesauro.

Discipulus. Numquid principi cognita est eo vsque fides eius atque discretio quod ad hoc opus merito non estimetur alius ad illum?

Magister. Magnus hic erat in magni regis Siculi curia consiliis prouidus et in regiis secretis pene precipuus. Surrexit interea rex nouus qui ignorabat illum, qui praua habens latera patrem persequebatur in suis. Compulsus

7 constabularii *C* 18 vtrumque *R*

est igitur vir iste, mutatis rebus prosperis, vite sue consulere, et licet pateret ei cum summo honore accessus ad regna plurima, tamen frequenter vocatus ab illustri rege Anglorum Henrico, cum fama veritate ipsa minor est, preelegit ad natale solum et successorium ac singularem dominum suum accedere. Susceptus igitur ab ipso sicut vtrumque decuit, quia apud Siculum magnis intenderat, hic etiam ad magna deputatur scaccarii negotia. Sic igitur et locum et dignitatis F officium adeptus est, ad quelibet etiam scaccarii magna negotia cum magnis assumitur. Sic habes omnium qui ad maius scaccarium ex officio resident iura distincta. Consequens autem est ni fallor vt que sint eorum dignitates ratione sessionis ad scaccarium prosequamur.

Discipulus. Immo si placet de officio militis quem argentarium dicis, necnon et de fusoris officio dicendum est. Quia cum sibi videantur annexa et ad maius scaccarium pertinentia hucusque dilata sunt.

Magister. Cerno quod te promissorum memoria non preterit, ex quo spes certa concipitur quod te iam dictis non fraudabit obliuio. Credebam sane de officiis tibi fuisse satisfactum quia de residentibus ad scaccarium neminem pretermiseram. Set hii de quibus commemoras certas non habent sibi deputatas sedes, immo pro imperio presidentis vel thesaurarii suum explent officium.

Porro miles argentarius ab inferiore scaccario ad superius defert loculum examinandi argenti cuius supra meminimus. Quem cum intulerit signatum sigillo vicecomitis, sub omnium oculis effundit in scaccario xliiii. solidos, quos de aceruo G sumptos prius signauerat, factaque commixtione eorundem vt ponderi respondeant, mittit in vnum vasculum trutine libram ponderis, in alterum vero de denariis quod oportuerit. Quo facto numerat eosdem vt ex numero constare possit si legittimi ponderis sint. Cuiuscunque vero ponderis inuenti fuerint seorsum mittit in ciphum libram vnam hoc est xx. solidos ex quibus examen fiat, reliquos vero xxiiii. solidos mittit in loculum. Item duo denarii preter libram

1 propriis *C* 4 mino *NR* 8 *posterius* et *om.* *C* 9 quilibet *N*: qualibet *R* 16 Quia] Qui *C* 19 te] de *C*

examinandam dantur fusori non de fisco sed de parte vicecomitis quasi in premium sui laboris. Tunc eliguntur a presidente, vel a thesaurario si ille absens fuerit, alii duo vicecomites vt simul cum argentario, necnon et vicecomite cuius examen faciendum est, procedant ad ignem vbi fusor ante premonitus, preparatis necessariis, eorum prestolatur aduentum. Ibi iterum presente fusore et hiis qui a baronibus missi sunt diligenter computantur et fusori traduntur. Quos ille suscipiens manu propria numerat et sic disponit eos in vasculum ignitorum cinerum quod in fornace est. Tunc igitur, artis fusorie lege seruata, redigit eos in massam, conflans et emundans argentum. Ceterum cauendum est ei ne citra perfectum subsistat vel importunis estuationibus H vexet illud atque consumat ; illud propter regis, hoc propter vicecomitis iacturam ; sed modis omnibus prouideat et quanta procuret industria vt non vexetur sed ad purum tantum excoquatur. Hoc autem ipsum prouidere debent hii qui ad idem missi sunt a maioribus. Facto igitur examine defert illud argentarius ad barones comitantibus illis, et tunc in omnium oculis ponderat illud cum libra predicta ponderis ; supplet autem mox quod ignis consumpsit, appositis denariis eiusdem loculi donec equilibriter se habeat examen cum pondere. Tunc inscribitur idem examen, desuper ducta creta, hiis verbis, ‘ Euerwicscira. Libra arsit tot vel tot denariis,’ et tunc illud essaium dicitur. Non enim inscribitur nisi preconcesso quod sic stare debeat. Quod si vicecomes cuius est calumpniatus fuerit illud quasi plus iusto consumptum fuerit, ignis scilicet ex estuatione vel plumbi infusione, vel etiam fusor ipse qualibet occasione defecisse fateatur examen, iterum numerentur xx. solidi qui residui sunt in loculo predicto coram baronibus, sicut dictum est, et eadem ratione seruata fiat examen. Hinc tibi constare potest qua consideratione de aceruo magno proposite pecunie xliiii. solidi seorsum ab initio mittantur in loculum I apposito vicecomitis sigillo. Notandum vero est quod fusor

7 Ibi *om. R* 16 procuret] pro cure *R* 17 ipsum autem *R* debent] dicunt *N* 26 preconcessio *N* 28 consumpto *C* exestuatione *N*: ex estuationem *R* 31 predicto loculo *C*

duos percipit denarios pro examine sicut diximus. Quod si quouis casu aliud faceret etiam si tertio examinauerit non percipiet quicquam, sed contentus erit semel susceptis duobus.

Discipulus. Miror a tantis tantam adhiberi diligentiam in unius libre examinatione, cum nec magnus ex ea questus nec multa iactura proueniat.

Magister. Non propter hanc tantum fiunt hec, sed propter omnes illas que ab eodem vicecomite sub eodem nomine firme simul cum hac persoluuntur. Quantum enim ab hac libra per ignem purgatorium decidit, tantumdem ex singulis aliis libris nouerit vicecomes de summa sua subtrahendum; vt si centum libras numeratas soluerit et libra examinis xii. denariis exciderit non computentur ei nisi nonaginta quinque.

Discipulus. Nunc videre videor questum ex hiis prouenire posse non modicum, sed cui cedere debeat ignoro.

Magister. Semel dictum est, et semper intelligatur, soli regie vtilitati in omnibus hiis seruiri. Licet autem a talea vicecomitis combustio detrahatur, mittitur tamen seorsum in taleam alteram breuiorem vt de summa eius thesaurarius et camerarii respondeant. Sciendum vero quod per hanc taleam combustionis dealbatur firma vicecomitis, vnde in testimonium huius rei semper maiori talee appensa coheret.

J *Discipulus.* Pulsat adhuc me questio non dissimilis illi quam in agendis inferioris scaccarii proposuisse me memini; quare videlicet libra una plus altera decidat cum par debeat esse conditio omnium operantium in moneta.

Magister. Ad hanc sicut ad illam questionem sufficit respondere fieri posse hoc per falsarios et nummorum detonsores. Fuerunt autem qui crederent, quibus nec ego dissentio, non esse legittimam regni huius monetam si examinata libra decidat plus quam vi. a pondere que numerata respondet; et etiam delatam ad scaccarium huiusmodi

3 non perc' *C corr. marg.* quicquam *RN*: *lacunam habet C* 13 censum *R* 18 *post* soli *add.* ratione *N* 20 detrahetur *C* 24 appensa *om. R* 31 crediderent *N* 32 huius regni *C* 33 libra decidat] subdecidat *R* que *scripsimus*: cui *Stubbs*: quam *Madox*: qua *codd.*

pecuniam fisco debere cedere, nisi forte noui sint et non vsuales denarii, quorum etiam superscriptio suum probat auctorem. Tunc enim idem monetarius super opere suo districte conuenietur et legibus constitutis sine iactura vicecomitis condemnabitur vel absoluetur. Quod si per examinationem probatis et reprobatis denariis, monetarius condempnatus et punitus fuerit, [denarii] a fusore scaccarii presentibus aliis huius artis peritis redigetur in massam et pondus eius vicecomiti computabitur. [Verum totum hoc pene nunc abolitum est et multum relinquitur, quoniam in moneta generaliter peccatur ab omnibus. Cum autem ad debitum et lege determinatum modum moneta peruenerit, primitiue constitutionis legem obseruari necesse erit.]
K Contra si quis vicecomes nummos attulisset quorum libra combusta ad v. vel iiii. vel infra se cohiberet, et viderentur de nouo facti non vsuales vel cursorii, simili modo non legittimi dicebantur quasi excedentes legem communem, vnde et infiscari poterant sicut et alii. Item sunt ad scaccarium liberationes constitute que statutis terminis sine breui regis soluuntur. Qualis est liberatio naucleri, custodis scilicet nauis regie quam esneccam dicimus, qui xii. percipit quaque die. De qua et consimilibus talee fiunt a camerariis quia de hiis breuia non habent. Miles autem argentarius horum recauta habet id est contrataleas. Hic simul et fusor rogati a camerariis cum necesse fuerit et plurima delata pecunia opprimit computatores, iuuant eos in computatione. Voluntarium tamen est hoc eis non necessarium. Sic habes militis argentarii simul et fusoris officia.

Discipulus. Que sunt signa facti vel infecti examinis?

Magister. Non satis noui, quia nec sollicitus super hiis fui, verum quamdiu super iam liquidum argentum nigra quedam nubecula circumferri conspicitur, infectum dicitur. At cum quedam quasi grana minuta ab imo deducuntur ad summum et illic dissoluuntur signum est examinati.

1 *post* cedere *add.* verum *linea subducta R* 2 prodat *R* 9 vicecomiti computabitur *om. R* 7 denarii *seclusimus* 9–11 Verum . . . omnibus *post* necesse erit *R* 10 nunc] non *C* 12 peruenerit moneta *C* 15 ad] a *N* v.] vj. *R* 17 quasi] quia *C* 19 constitute liberaciones *C* 22 et *om. N* 28 simul *om. N*

Discipulus. A quibus vel ob quam rem instituta fuit examinatio hec vel combustio? vii A

Magister. Vt de hiis tibi constare possit paulo altius oriendum est. Sicut traditum habemus a patribus, in primitiuo regni statu post conquisitionem regibus de fundis suis non auri vel argenti pondera sed sola victualia soluebantur, ex quibus in vsus cotidianos domus regie necessaria ministrabantur, et nouerant qui ad hec deputati fuerant quantum de singulis fundis proueniebat. Ceterum ad stipendia vel donatiua militum et ad alia necessaria de placitis regni vel conuentionibus, et ex ciuitatibus vel castellis a quibus agricultura non exercebatur, pecunia numerata succrescebat. Toto igitur regis Willelmi primi tempore perseuerauit hec institutio vsque ad tempora regis Henrici filii eius, adeo vt viderim ego ipse quosdam qui victualia statutis temporibus de fundis regiis ad curiam deferri viderint. Certumque habebant officiales domus regie a quibus comitatibus triticum, a quibus diuerse species carnium vel equorum pabula vel alia queque necessaria debebantur. Hiis vero solutis secundum constitutum modum cuiusque rei, regii officiales computabant vicecomiti redigentes in summam denariorum. Pro mensura scilicet tritici ad panem c. hominum solidum vnum, pro corpore bouis pascualis solidum i., pro ariete vel oue iiii. denarios, pro prebenda xx. equorum, similiter quatuor. B
Succedente vero tempore cum idem rex, in transmarinis et remotis partibus, sedandis tumultibus bellicis operam daret, contigit vt fieret sibi summe necessaria ad hec explenda numerata pecunia. Confluebat interea ad regis curiam querula multitudo colonorum, vel quod grauius sibi videbatur pretereunti frequenter occursabat, oblatis vomeribus in signum deficientis agriculture. Innumeris enim molestiis premebantur occasione victualium que per plurimas regni partes a sedibus propriis deferebant. Horum igitur querelis inclinatus rex, diffinito magnorum consilio destinauit per regnum quos ad id prudentiores et discretiores co-

4 oriendum] ordiendum *R* 8 hec] hoc *C* 10 ad *om. N* 14 regis *om. C* 16 Certum *C* 16 habebat *N* 17 a *om. R* 18 diuerse *Madox*: diuersas *codd.* 19 alia *om. N* 27 explenda] exempla *N* 34 querelis *Madox*: querulis *codd.*

gnouerat. Qui circumeuntes et oculata fide fundos singulos perlustrantes, habita estimatione victualium que de hiis soluebantur, redegerunt in summam denariorum. De summa vero summarum que ex omnibus fundis surgebat in uno comitatu, constituerunt vicecomitem illius comitatus ad scaccarium teneri, addentes vt ad scalam solueret, hoc est preter quamlibet numeratam libram vi. denarios. Rati sunt enim tractu temporis de facile posse fieri vt moneta tunc fortis a suo statu decideret. Nec eos fefellit opinio. Vnde coacti sunt constituere vt firmam maneriorum non solum ad scalam sed ad pensum solueretur quod perfici
C non poterat nisi longe pluribus appositis. Seruabatur per plures annos ad scaccarium lex huius solutionis, vnde frequenter in veteribus annalibus rotulis regis illius inuenies scriptum 'In thesauro c. libras ad scalam' vel 'In thesauro c. libras ad pensum.' Surrexit interea vir prudens, consiliis prouidus, sermone disertus et ad maxima queque negotia per dei gratiam repente precipuus. Diceres in eo completum quod scriptum est 'Nescit tarda molimina spiritus sancti gratia.' Hic ab eodem rege vocatus ad curiam, licet ignotus non tamen ignobilis, suo perdocuit exemplo 'Paupertas tenuis quam sit fecunda virorum.' Hic igitur, succrescente in eum principis ac cleri populique fauore, Saresberiensis episcopus factus, maximis in regno fungebatur officiis et honoribus et de scaccario plurimam habuit scientiam; adeo vt non sit ambiguum sed ex ipsis rotulis manifestum plurimum sub eo floruisse. De cuius stillicidiis nos quoque modicum id quod habemus per traducem accepimus. Super hoc ad presens multa loqui supersedeo, quia pro qualitate sui status nobilissime mentis indicem superstitem sibi memoriam dereliquit. Hic postmodum ex mandato principis accessit ad scaccarium; vbi cum per aliquot annos persedisset comperit hoc solutionis genere
D non plene fisco satisfieri. Licet enim in numero et pondere videretur satisfactum non tamen in materia. Consequens enim non erat vt, si pro libra vna numeratos xx. solidos

1 oculata] occulta *C* 14 veteris *N* 18 Diceris *C*: Disceres *R*
25 officiis et *om.* *NR* 32 principis] precipis *N*

etiam libre ponderis respondentes soluisset, consequenter libram soluisset argenteam. Poterat enim cupro vel quouis ere mixtam soluisse, cum non fieret examinatio. Vt igitur regie simul et publice prouideretur vtilitati, habito super hoc ipso regis consilio, constitutum est vt fieret ordine predicto firme combustio vel examinatio.

Discipulus. Quomodo publice?

Magister. Sentiens enim vicecomes se pregrauari per combustionem deterioris monete, cum firmam est soluturus, sollicitam adhibet diligentiam vt monetarii sub eo constituti legis constitute fines non excedant. Quos cum deprehenderit sic puniuntur vt eorum exemplo ceteri terreantur.

Discipulus. Numquid de omnibus comitatibus firma blanca solui debet vel examinatio fieri?

Magister. Non. Sed qui de antiquo iure corone regie annominantur sic soluunt. Qui vero per incidentes aliquos casus infiscantur solo numero satisfaciunt, quales sunt Salopscir, Sudsex, Norhumberland et Cumberland. Liberum est etiam vicecomiti vt pro firma blanca soluat examinati argenti pondera et sic effugiat iacturam combustionis. Sic tamen vt fusor regis eadem suscipienda E decernat. Habes igitur quod petisti, a quibus scilicet et ob quam causam instituta fuerit examinatio.

Discipulus. Video per hanc ad litteram impletum quod scriptum est, ‘Quale fuerit cuiusque opus ignis probabit.’ Sed iam nunc placeat ceptis insistere.

Magister. Fiat. Consequens est, vt credo, secundum disposite rationis ordinem, vt que sint dignitates residentium ad scaccarium ex officio vel ex regis mandato prosequamur.

Discipulus. Miror satis qua consideratione cum de officiis ageretur, de ostiario maioris scaccarii et eius officio vel ex industria suppressisti vel, obliuionis iniuria resistente, preteristi.

Magister. Gratulor te memorem predictorum. In proficiente quippe discipulo gloria doctoris est. Nosti iam

6 vel examinatio *om. R* 13 omnibus *om. N* 14 *post* vel, ex omnibus comitatibus *add. N* 19 etiam *om. C*: etiam est *N* 24 vide *R* 26 si placeat *C*

dictum ostiarium liberationem percipere cum aliis officialibus, et ideo merito requiris quid sit eius officium. Est autem huiusmodi.

Ostium domus illius in qua scaccarium residet ostiarius ille solus sine consorte custodit, nisi cum de domo propria seruientes assumit in onus officii sui. Nichilominus custodit idem ostium thalami secretorum qui collocatus est iuxta domum vbi scaccarium est. Ad hunc accedunt F barones cum proponitur eis verbum ambiguum ad scaccarium de quo malunt seorsum tractare quam in auribus omnium. Maxime autem propter hoc in partem secedunt, ne compoti qui ad scaccarium fiunt impediantur; quibus moram facientibus in consiliis consuetus cursus compotorum agitur. Si quid vero natum fuerit questionis referetur ad eos. Liberum etiam est ostiario vt quibuslibet magne auctoritatis viris ad hoc opus non necessariis impune precludat aditum cum voluerit; solis vero hiis qui ad scaccarium ex officio vel ex regis mandato resident, voluntarius patet ingressus in utrumque thalamum. Quod si auctentice sunt persone, quas singulariter incedere non est idoneum, vnum vel duos introducere poterunt in exteriorem domum scaccarii; sed in thalamum secretorum soli maiores introeunt, ceteris exclusis nisi cum ad quelibet regia negotia explenda a dominis suis vocantur. Item ostiarius factas summonitiones et signatas a marescallo suscipit, soluto scaccario illius termini, et in propria persona vel per fidelem nuncium per Angliam, sicut supradictum est, easdem defert. Hic etiam ex mandato presidentis conuocat in presentiam eius vicecomites qui extra domum circumquaque dispersi sunt cum indiguerit illis. Item ad hunc pertinet vt sollicitus sit circa minuta quelibet necessaria que in domo scaccarii sunt, velut ad sternenda et preparanda sedilia circa scaccarium et huiusmodi. Ex predictis, vt credimus, de officiis omnium qui ad scaccarium resident tibi constare

1 officiabilibus *R* 5 de domo] demo *N* 8 accedunt] cedunt *C* 14 refertur *C* 16 ad] ab *R* 18 *posterius* ex *om. C* president *C* 19 in] ad *C* 20 sint *C* 26 et *om. N* 28 presentia *R* 34 tibi *om. C*

potest. Nunc que sunt eorum iura vel dignitates ratione sessionis ad scaccarium ostendemus.

Oportet autem de cetero vt nobis amplius parcat lingua viii A detractoris et dens emulus ne laniet insultando. Vix enim ad notitiam tuam aliquid horum pertingeret si non vsitatis rerum vocabulis, set exquisito verborum scemati, vel confictis nominibus duxerimus insistendum.

Discipulus. Solam verborum nouitatem a principio vitare premonui et circa communia communibus et vsitatis vbi verbis obtinui, ne disciplinalia rudimenta nouitas insueta turbaret. Sic igitur vt cepisti ceptum libeat iter explere. Quod si te sic gradientem detractoris emula mens vel lingua repperit, illud obtineas ab eo vt qui in scriptis suis sine peccato est primus in te lapidem mittat.

Magister. Sponte parco dummodo lex ista seruetur. Dignitas residentium ad scaccarium in pluribus consistit. Siue enim de clero sint siue de regis curia qui assident ex mandato, ab ea die qua conueniunt vsque ad generalem secessionem ad alias quaslibet causas sub quibuscunque iudicibus non euocantur, et si forte vocati fuerint ratione publice potestatis excusantur. Quod si sunt actores et non rei qui assident et alias habent lites, in eorum erit arbitrio vel experiri per procuratorem vel absque omni detrimento sui iuris diem prorogare. Si vero iudex sub quo litigant, siue sit ecclesiasticus siue forensis, legis huius ignarus, ab iam dicta die conuocationis ad scaccarium citauerit quemlibet B eorum, et absentem forte per sententiam possessione sua vel quouis iure spoliauerit, auctoritate principis et ratione sessionis reuocabitur in eum statum causa ipsius in quo erat ante citationem. Set iudex propter hoc puniri non meruit; quod enim sui officii est executus est, licet pro publica potestate non consequatur effectum. Quod si sic citatus fuerit vt fatalis dies, lege determinatus, sibi constitutus, diem conuocationis ad scaccarium preueniat, non poterit se per illud excusare, vel iudicis sententiam declinare, vel in se

3 vt *om. NR* 6 rebus *C* confectis *N* 9 et] etiam *R* 13 reppererit *R* 23 per *om. CR* 24 prorogare *Madox*: prerogare *CNR* prerogare diem *C* 27 illorum *C* 31 *posterius* est *om. N* 35 declarare *R*

latam irritam facere, etiam si alter alteri sic proximus sit vt iter cogatur arripere. Procuret itaque sibi procuratorem vel responsalem et ipse regiis addictus negociis ad curiam sine simulatione festinet. Preterea barones qui ad scaccarium resident de victualibus sue domus in vrbibus et castellis et maritimis emptis nomine consuetudinis nichil soluunt. Quod si minister vectigalium de hiis quicquam soluere compulerit, dummodo presens sit seruiens eius qui suis vsibus empta fuisse oblata fide probare voluerit, baroni quidem exacta pecunia restituetur in integrum et inprobus exactor pro qualitate persone pecuniariam penam luet. Item si quilibet, etiam magnus in regno, inconsulto calore animi quemlibet ad scaccarium residentem probris vel conuiciis lacessierit, si presidens ille presens est excessus huius vltricem penam pecuniariam statim excipiet. Absente vero presidente, illatam iniuriam si constanter ille negauerit et acclamauerint consedentes dixisse eum quod sibi obicitur, nichilominus regicui militatur in pecuniam reus statim iudicabitur nisi festinauerit postulando misericordiam preuenire iudicium. Quod si se inuicem hii qui ad scaccarium resident contumeliosa qualibet obiectione molestauerint, mediantibus aliis sui ordinis ministris, in pacem redeant, et satisfiat ab ipso qui innocentem lesit ad eorum estimationem. Si vero acquiescere noluerit, set magis in sua temeritate perseuerauerit, proponatur verbum presidenti et ab eo postmodum quod iustum fuerit vterque suscipiat. Ceterum si per incentorem malorum diabolum, qui fraterne pacis iocundam leticiam non equis aspicit oculis, fieri contigerit vt inter ipsos maiores dissensionis oriatur occasio, deinde, quod absit, succrescant conuiciorum iurgia et, addente stimulos Sathana, per alios collegas operis eiusdem pax reformari non possit, horum omnium cognitio ipsi principi reseruabitur; qui secundum quod cordi suo deus, in cuius manu ipsum est, inspirauerit, ex-

3 addictus] additus *N* 5 sue] siue *C* 7 ministra *C* 13 probis *C*: propriis *N* 14 ille *om. C* 17 acclamauerint *Madox*: acclamerint *C*: acclamauerit *NR* 19 iudicatur *C* 21 quelibet *C* 23 et] vt *N* 24, 25 set . . . perseuerauerit *om. R* 34 manu *om. C*

cessum puniet, ne qui presunt aliis ferre videantur impune quod decernunt in aliis puniendum.

Discipulus. Ex hiis manifestum est quod Salomon ait 'Mors et vita in manibus lingue' et item Jacobus, 'Lingua modicum membrum est et magna exaltat.'

Magister. Sic est, set prosequamur de dignitatibus. D Fiunt interdum per comitatus communes assise a iustitiis errantibus, quos nos deambulatorios vel perlustrantes iudices nominamus, que ideo dicuntur communes quia, cognita summa que de comitatu requiritur, communiter ab hiis qui in comitatu fundos habent per hidas distribuitur, vt nichil desit de illa cum ventum fuerit ad scaccarium solutionis. Ab hiis omnibus omnes hii qui ad scaccarium ex principis mandato resident liberrimi sunt, adeo vt non solum a dominiis suis sed etiam ab omnibus feodis suis nichil horum exigatur. Si vero qui residet ibi fundum habeat, vel ad firmam vel in custodiam vel etiam ad pignus pro pecunia, liber non erit, sed magis de hiis legibus publicis obnoxius fiet. Amplius autem preter has liber erit ad scaccarium a murdris, scutagiis et a danegeldis. Quod autem ad ipsum pertinet a summa constituta decidet et vicecomiti computabitur per hec verba, 'In perdonis per breue regis illi vel illi hoc vel illud,' cum tamen nullum super hoc breue regis habuerit. Caueat autem cui dimittitur aliquid a principe ne postea sibi dimissum requirat a subditis, set magis memor sit verbi illius 'dimittite et dimittemini,' quia cum hoc fuerit deprehensum, princeps, euangelice emulator doctrine, nec dimittet eum, nec debitum dimittet ei, set forsitan in centuplum puniet, quia impensa sibi gratia videtur abuti cum E ab aliis irreuerenter exigit quod gratis sibi dimissum est.

Discipulus. Dictum est, si bene memini, quod quicunque regis precepto residet ad scaccarium a quibusdam lege determinatis ratione sessionis liber est. Additum est etiam, si bene recolo, considere scaccarium in termino Pasche, non tamen que illic fiunt omnino terminari, set eorum con-

6 Sic est *om. R* 7 *post* Fiunt *add.* tamen *C* 10, 11 requiritur ... comitatu *om. R* 23 super hoc nullum *C* 27 nec] non *R* 35 qui *R* set eorum con ... termino sancti M ... *C marg.*

summationem termino sancti Michaelis reseruari. Cum igitur possibile sit, immo et frequenter contingat, aliquem ex regis mandato in termino Pasche ad hec assumi qui in termino sancti Michaelis vel fati debita soluit vel ad alia regni negotia mandato regis transfertur vel, quod fortius quibusdam visum est, medio tempore principi factus exosus tam excellentibus negociis indignus iudicatur; quero si qui in termino Pasche quietus est quo pauca terminantur set omnia per iteratam summonitionem innouantur, hic talis in termino sancti Michaelis absolui mereatur, cum etiam et scaccarii sessionem et ipsam principis gratiam demeruerit.

Magister. Ad huius questionis partem vtramque construendam copiosa forsitan est rationum inventio, set noueris regie munificentie libertatem post semel indultam absolutionis gratiam etiam cum pecunie dispendio in partem
F meliorem semper esse proniorem. Quippe similis est donorum et perdonorum regis ratio vt, sicut dona eius reuocari vel repeti non debent, sic nec regis dimissa, que vulgo perdonata dicuntur, nequeunt in irritum deuocari. Liber igitur et absolutus is est in termino consummationis qui quocunque modo in precedenti meruit absolui.

Discipulus. Mouent me quedam que predicta sunt; primo quod dicis aliquid alicui dimitti sub hoc tenore verborum 'In perdonis per breue regis illi vel illi hoc vel illud,' cum tamen nullum breue regis dimissionis obtinuerit. Quo modo enim fieri posset vt sic falsa non deprehendatur scriptura rotuli non video.

Magister. Mouet te, nec inmerito, quod me diu mouit; atque, vt credo, nondum patuit omnibus hec scripture ratio, vnde, licet non sit magnum quod petis, attamen est insolitum et videtur absurdum vt per breue regis dicatur dimissum quod sine breui semper est dimittendum. Ea propter de hac ipsa sollicitus fui circa dominum Elyensem, virum itaque huius officii peritissimum, cuius memoria in benedictione sit in eternum. Hic illustris illius Anglorum regis

2 immo *om. C* 7 indignum *R* 8 quo] post *C* 9 per] post *C*
17 similis] simul *N*: similiter *R*

Henrici primi thesaurarius et nepos Saresberiensis cuius supra meminimus, incomparabilem suis temporibus habuit scaccarii scientiam. Maximus etiam existens in hiis que ad sui status dignitatem pertinebant, celebrem sui nominis famam fecit, adeo vt pene solus in regno sic vixerit et sic [G] decesserit vt gloriam eius inuida lingua denigrare non audeat. Hic etiam, ab illustri rege Henrico secundo frequenter rogatus, scaccarii scientiam continuata per multos annos bellica tempestate pene prorsus abolitam reformauit, et totius descriptionis eius formam velut alter Esdras, bibliothece sedulus reparator, renouauit. Credidit sane vir prudens satius esse constitutas ab antiquis leges posteris innotescere quam sua taciturnitate vt noue conderentur, efficere. Vix enim modernitas in questu pecunie mitiora prioribus iura dictauit. Ab hoc igitur super hoc huiusmodi responsum accepi. 'Frater, qui aures audiendi auidas habet facile detractoris linguam inueniet. Etiam is qui non habet, non facile eandem effugiet. Accessit itaque ad regem Henricum primum vir aliquis habens sibila serpentis, dicens ei, "Barones vestri qui ad scaccarium resident vt quid que de terris eorum exsurgunt, non soluunt, cum quidam constitutas habeant ad scaccarium liberationes pro sessione sua? Quidam etiam pro officio suo fundos habent et fructus eorum. Hinc ergo grauis iactura fisco prouenit." Cum igitur ille principis emolumentum allegans frequenter instaret, mentem eius vix tandem verbum istud eo vsque possedit vt omnia constituta ab omnibus solui preciperet, nec aliquid alicui dimitti, nisi quis super hoc expressum eius optinuisset mandatum; factumque est ita. Succe- [H] dente vero tempore, cum recordaretur princeps consilii Architophel, penituit eum acquieuisse. Decreuit autem omnibus illic ministrantibus omnia predicta computari, nil ducens iacturam modici eris respectu magni honoris. Destinauit itaque breue suum ad scaccarium vt assidentes illic ab hiis liberi essent iure perpetuo. Ab hoc igitur breui ex tunc et modo dicitur "in perdonis per breue regis." Sicque

3 etiam] eius *C* 4 cerebrem *C* 6 gratiam *R* 17 detractores *N* is] his *N* 29 eius *om. C* 30 vero] itaque *C* 34 itaque] igitur *C*

factum est vt quod indultum est patribus, et nunc perseueret in posteris.' Simile autem huic aliquid temporibus modernis nos vidisse meminimus, quod tractu temporis sub consimili verborum tenore hiis qui absolui meruerint computabitur. Precepit namque dominus rex Henricus secundus in termino sancti Michaelis xxiiii. anni regni sui vt milites Templi et fratres Hospitalis et monachi Cisterciensis ordinis, quibus per carte sue libertatem longe ante quietantiam indulserat omnium que ad denarios pertinent, excepta iustitia mortis et membrorum, amodo quieti essent de hiis omnibus que ad denarios per singulos comitatus pertinerent, adeo vt de cetero cartas suas ad scaccarium deferre non cogerentur. Hoc enim regie pietatis decreuit auctoritas, vt sic semel baronum consideratione de hiis omnibus expedirentur ; ne qui ad frugem vite melioris transierunt et orationibus potius vacare tenentur, ad scaccarium
I propter hoc cum cartis suis inutilem et tediosam moram facere compellantur. Consilio igitur et consideratione baronum qui interfuerunt factum est breue domini regis sub hoc tenore ' Clamo quietos milites Templi de v. marcis que exiguntur ab hominibus eorum pro defectu, et prohibeo ne amodo ab ipsis vel hominibus eorum vel terris aliquid exigatur vel capiatur quod ad denarios pertineat. Testibus hiis ibi.' Sic et fratribus Hospitalis et monachis predictis. Huius autem auctoritate mandati amodo per singulos comitatus de omnibus que ad denarios pertinent quieti erunt sic vt dicatur in annali ' In perdonis per breue regis,' illud scilicet cuius supra meminimus.

Discipulus. Satis intellexi quod dictum est ; nunc si placet quid sit scutagium, murdrum vel danegeldum aperire non differas. Barbara quidem esse videntur set eo magis me sollicitant quod ab hiis dicis liberos esse scaccarii ministros.

ix *Magister*. Fit interdum vt imminente vel insurgente in regnum hostium machinatione, decernat rex de singulis

5 Henricus rex *C* 11 qui *NR* 13 decreuerit *C* 19 domini *om. C* 21 omnibus *N* 25 autem *om. R* 27 sic vt *C corr.*: vt sic *C* 29 nec *R* 30 *post* scutagium *add.* aperire *R* 31 me] ne *N* 32 liberos esse *C* 33 vel ins. *post* machinatione *pon. R* 34 decernat *om. R*

feodis militum summam aliquam solui, marcam scilicet vel libram vnam, vnde militibus stipendia vel donatiua succedant. Mauult enim princeps stipendarios quam domesticos bellicis opponere casibus. Hec itaque summa, quia nomine scutorum soluitur, scutagium nuncupatur. Ab hac autem quieti sunt ad scaccarium residentes.

Porro murdrum proprie dicitur mors alicuius occulta x A cuius interfector ignoratur. Murdrum enim idem est quod absconditum vel occultum. In primitiuo itaque regni statu post conquisitionem qui relicti fuerant de Anglicis subactis, in suspectam et exosam sibi Normannorum gentem latenter ponebant insidias, et passim ipsos in nemoribus et locis remotis, nacta opportunitate, clanculo iugulabant. In quorum vltione cum reges et eorum ministri per aliquot annos exquisitis tormentorum generibus in Anglicos deseuirent, nec tamen sic omnino desisterent, in hoc tandem deuolutum est consilium, vt centuriata, quam hundredum dicunt, in qua sic interfectus Normannus inueniebatur, quod mortis eius minister non extabat, nec per fugam quis esset patebat, in summam grandem argenti examinati fisco condempnaretur; quedam scilicet in xxxvi libras, quedam in xliiii libras, secundum locorum diuersitatem et interfectionis frequentiam. Quod ideo factum dicunt, vt scilicet pena generaliter inflicta pretereuntium indemnitatem procuraret, et festinaret quisque tantum punire delictum, vel offerre iudicio per quem tam enormis iactura totam ledebat viciniam. Ab horum, vt prediximus, solutione sedentes ad tabulam liberos noueras.

Discipulus. Numquid pro murdro debet imputari clandestina mors Anglici sicut Normanni?

Magister. A prima institutione non debet sicut audisti, set iam cohabitantibus Anglicis et Normannis et alternatim B vxores ducentibus vel nubentibus, sic permixte sunt nationes vt vix decerni possit hodie, de liberis loquor, quis Anglicus quis Normannus sit genere; exceptis dumtaxat ascriptitiis qui villani dicuntur, quibus non est liberum, obstantibus

2 vnde] vnum *R* · 16 in] etiam *R* 30 *post* sicut *add.* et *C*
32 alternatim *scripsimus*: alterutrum *codd.*

dominis suis, a sui status conditione discedere. Ea propter pene quicunque sic hodie occisus reperitur, vt murdrum punitur, exceptis hiis de quibus certa sunt vt diximus seruilis conditionis indicia.

Discipulus. Miror singularis excellentie principem et acerrime virtutis hominem in subactam et sibi suspectam Anglorum gentem hac vsum misericordia, vt non solum colonos per quos agricultura posset exerceri indempnes seruaret, verum ipsis regni maioribus fundos suos et amplas possessiones relinqueret.

Magister. Licet hec ad suscepta negotia, quibus debitor factus sum, non attineant, tamen que super hiis ab ipsis indigenis accepi gratis exponam. Post regni conquisitionem, post iustam rebellium subuersionem, cum rex ipse regisque proceres loca noua perlustrarent, facta est inquisitio diligens qui fuerint qui contra regem in bello dimicantes per fugam se saluauerint. Hiis omnibus, et item heredibus eorum qui in bello occubuerunt, spes omnis terrarum et fundorum atque reddituum quos ante possederant preclusa est; magnum namque reputabant frui vite beneficio sub inimicis. Verum qui vocati ad bellum necdum conuenerant,
C vel familiaribus seu quibuslibet necessariis occupati negotiis non interfuerant, cum tractu temporis deuotis obsequiis gratiam dominorum possedissent, sine spe successionis, sibi tantum, pro voluntate tamen dominorum possidere ceperunt. Succedente vero tempore, cum dominis suis odiosi passim a possessionibus pellerentur, nec esset qui ablata restitueret, communis indigenarum ad regem peruenit querimonia, quasi sic omnibus exosi et rebus spoliati ad alienigenas transire cogerentur. Communicato tandem super hiis consilio, decretum est vt quod a dominis suis, exigentibus meritis, interueniente pactione legittima, poterant optinere, illis inuiolabili iure concederetur. Ceterum autem nomine successionis a temporibus subacte gentis nihil sibi vendicarant. Quod quidem quam discreta consideratione cautum sit,

8 colonis *R* 11 negotia *om. R* 17 item *cancellauit N* 18 occubuerint *C* 24 sibi] filii *N* 27 essent *R* 31 vt *om. R* 34 a *om. R*

manifestum est, presertim cum sic modis omnibus, vt sibi consulerent, de cetero studere tenerentur deuotis obsequiis dominorum suorum gratiam emercari. Sic igitur quisquis de gente subacta fundos vel aliquid huiusmodi possidet, non quod ratione successionis deberi sibi videbatur adeptus est, set quod solummodo, meritis suis exigentibus vel aliqua pactione interueniente, obtinuit.

Discipulus. Quid sit centuriata vel hundredum non satis noui.

Magister. Sustine modicum, scies postea loco suo [hoc est in titulo de libro iudiciario]. Nunc prosequamur de danegeldo et, vt ratio nominis tibi constet, paulisper aduerte.

'Insula nostra suis contenta bonis, peregrinis xi A
Non eget, hanc igitur merito dixere priores
Diuitiisque sinum deliciisque larem.'

Propter hoc innumeras ab exteris iniurias passa est, quia scriptum est 'Furem pretiosa signata sollicitant.' Circumiacentium enim insularum predones, irruptione facta, maritima depopulantes, aurum, argentum et queque pretiosa tollebant. Verum cum rex et indigene bellicis apparatibus instructi in sue gentis defensionem instarent, illi 'fugas' aggrediebantur 'equoreas.' Inter hos itaque pene precipua, et semper pronior ad nocendum, erat bellicosa illa et populosa gens Dacorum, qui preter communem raptorum auaritiam acrius instabant, quia aliquid sibi de antiquo iure in eiusdem regni dominatione vendicabant, sicut Britonum plenius narrat historia. Ad hos igitur arcendos a regibus Anglicis statutum est vt de singulis hidis regni, iure quodam perpetuo, duo solidi argentei soluerentur in vsus virorum fortium, qui perlustrantes et iugiter excubantes maritima impetum hostium reprimerent. Quia igitur principaliter pro Dacis institutus est hic redditus, Danegeldum vel Danegeldus dicitur. Hic igitur annua lege, sicut dictum est, sub indigenis regibus soluebatur vsque ad tempora regis Willelmi primi de gente et genere Normannorum. Ipso namque

10 hoc] vel *R* 11 suo *post* libro *add. C*: *sed postea cancellauit* 23 ad nocendum pronior *C* 27 hoc *R* 35 et] in *R sed correxit* *post* et *add.* de *C*

regnante, tam Daci quam ceteri terre marisque predones B hostiles cohibebant incursus, scientes verum esse quod scriptum est ‘Cum fortis armatus custodit atrium suum, in pace sunt ea que possidet.’ Nouerant etiam quod acerrime virtutis homines inpunitas non ferunt iniurias. Cum ergo diu siluisset terra sub eiusdem regis imperio, noluit hoc vt annuum solui, quod fuerat vrgente necessitate bellice tempestatis exactum, nec tamen omnino propter inopinatos casus dimitti. Raro igitur temporibus eius vel successorum ipsius solutus est; hoc est cum ab exteris gentibus bella vel opiniones bellorum insurgebant. Verum quocumque tempore soluatur, ab ipso liberi sunt qui assident ad scaccarium sicut dictum est. Vicecomites quoque, licet inter barones scaccarii non computentur, ab hoc quieti sunt de dominiis suis propter laboriosam eiusdem census collectam. Noueris autem dominia cuiuslibet hec dici que propriis sumptibus vel laboribus excoluntur, et item que ab ascriptitiis suis suo nomine possidentur. Quia enim ascriptitii de regni iure non solum ab hiis que modo possident ad alia loca a dominis suis transferri possunt, verum etiam ipsi C quoque licite venduntur vel quomodolibet distrahuntur, merito tam ipsi, quam terre quas excolunt vt dominis suis seruiant, dominia reputantur. Item fertur ab hiis quibus antiqua scaccarii dignitas oculata fide pernotuit, quod barones eius ab essartis forestarum liberi sunt de dominiis suis: quibus et nos consentire videmur, adiecta determinatione vt de hiis essartis dicantur quieti, que fuerant ante diem qua rex illustris Henricus primus rebus humanis exemptus est. Si enim de omnibus, quocumque tempore factis vel faciendis, quieti essent, liberum videretur baronibus, propter impunitatem, nemora sua, in quibus regia foresta consistit, pro sui arbitrii voluntate succidere, quod nequaquam impune possunt nisi precedente regis consensu vel principalis forestarii. Porro in necessarios etiam vsus

4 Nouerint *C* 6 soluisset *N* 8 omnino *N corr.*, *R corr.*: animo *NR* 10 solutum *C* ex terris *C* 15 collatam *R* 17 ab ascriptitiis] a scriptitiis *C* 23 *post* quibus *add.* et *C corr.* 24 antiqua *post* dignitas *ponit C* 27 qui *N* 34 etiam *add. C corr.*

sue domus de propriis nemoribus non assumunt hii, qui in foresta sua habent domicilia, nisi per visum eorum qui ad foreste custodiam deputantur. Verum sunt plures qui suis velint argumentis astruere, quod de essartis hiis nullus liber sit ratione sessionis ad scaccarium. Si quis enim illic residentium erga principem quouis delinqueret infortunio, vnde pecuniariter puniri mereretur, a pena illa liber non esset nisi speciali principis mandato. Cum ergo essartum factum excessus sit in forestam regis, non debet, vt dicunt, is qui sic delinquit et propter hoc punitur, nisi regis expresso D mandato liberari. Hec itaque ratio licet subtilis sit et videatur aliquibus pene sufficiens, obuiat tamen illi quod pena pro essartis constituta sit et communis in illos qui sic delinquunt, vt scilicet pro essarto iugeris vnius triticei solidus vnus soluatur, pro iugere vero quo seritur auena vi. denarii iure perpetuo. Ex hiis autem particulis coacta summa quedam exurget de qua vicecomes ad scaccarium respondere tenetur, sicut ex constitutis duobus solidis vel vno per singulas hidas comitatus summa vna, que communis assisa nuncupatur, excrescit. Quia igitur in hiis expressam habet similitudinem essartum cum assisa communi, sicut dictum est, videri potuit non inmerito similiter quietos habendos illos ab essartis vt ab aliis communibus assisis. Item obuiat eis consuetudinis vsusque longeui non vilis auctoritas. Sicut enim retroactis temporibus fuisse commemorant quibus cana memoria est, vidi ego ipse, qui loquor tecum, modernis temporibus Legrecestrie comitem Robertum, virum discretum, litteris eruditum et in negotiis forensibus exercitatum. Hic ingenitam habens animi virtutem paterne quoque prudentie sedulus emulator effectus est, cuius industria pluribus examinata est penes principem nostrum, Henricum secundum, atque adeo conualuit penes eum, quem nec palliata prudentia nec dissimulata fallit ineptia, vt ex mandato ipsius non solum ad scaccarium E

2 prouisum *R* illorum *C* 9 is] his *R* 10 delinquid *CN* 14 vt] vel *C* 15 vi.] v. *R* 20 in hiis *om. R* 23 ab] ad *R* 25 Sicut] Sic *NR* 26 sana *R* vide *C* 31 *post* examinata *add.* plena *R* 32 Hericum *N* 32, 33 atque adeo conualuit penes eum *om. NR* 34 *post* ineptia *add.* atque adeo conualuit penes eius *R*

verum etiam per vniuersum regnum presidentis dignitatem optinuerit. Hic semel imminente visitatione nemorum, quam reguardam vulgo dicunt, que tertio anno fit, breue regis obtinuit vt quietus esset ab hiis que de terra ipsius pro essartis exigebantur, apposito numero qui de hiis exurgebat. Quo delato et lecto ad scaccarium in publico stupebant omnes et mirabantur, dicentes 'Nonne comes iste libertatem nostram infirmat?' Contuentibus igitur se inuicem qui assidebant exorsus est felicis memorie Nigellus, tunc Elyensis episcopus, sic inquiens cum modestia. 'Domine comes, irritam fecisse videris per hoc breue scaccarii dignitatem, qui mandatum regis de hiis rebus impetrasti a quibus liber es per sessionem scaccarii; ac si consequenter amodo per locum a maiori debeat inferri, qui de essartis breue regis non obtinet, solutioni mox obnoxius fiat. Set, salua reuerentia, perniciosus est, propter exemplum, hic absolutionis modus.' Cum igitur, vt fit in dubiis, quidam sic, quidam aliter sentirent, allatus est in huius rei validius argumentum, rotulus annalis de tempore regis illius magni, cuius supra meminimus, sub quo plurimum floruisse dicitur dignitas et scientia scaccarii, et inuentum est aliquid quod episcopo de dignitate residentium alleganti
F consonum videbatur. Quibus auditis paulisper deliberans secum comes sic ait 'Fateor me super hiis breue regis impetrasse, non vt ius vestrum infirmarem, set vt sic sine molestia declinarem inportunam nimis, regi tamen incognitam, Alaniorum exactionem.' Abdicans ergo breue suum per libertatem sessionis preelegit absolui. Succedente tempore cum predictus episcopus infirmitate detentus adesse non posset, me ipso supplente ad scaccarium vices ipsius in quibus poteram, contigit essarta solui. Cum ergo de dominio eius exacta soluerentur, questus sum in publicum allegans ius absolutionis. De communi ergo omnium consilio et consideratione, que iam soluta fuerat mihi restituta

1 etiam *om. R* 4 terris *C* 5 pro] per *R* 7 omnes stupebant *C* 9 Nichellus *C* 10 tunc *om. R* 14 amodo *om. R* 17 absolitationis *N* 19 validus *N* validius . . . regis *om. R* 21 et *ante* inuentum *om. R* 22 quod *om. R* 24 me *om. R* 30 vices *om. R*

est summa; reseruans autem que de dominio suo prouenerant, ascriptitiis eius, quod de quolibet exactum fuerat, cum integritate restitui, vt huius rei testis esset superstes memoria.

Discipulus. Salua reuerencia non exemplis set rationibus in hiis vtendum est.

Magister. Ita est. Set fit interdum vt cause rerum dictorumque rationes occulte sint, et tunc sufficit de hiis exempla subicere, presertim de viris prudentibus sumpta, quorum opera circumspecta sunt et sine ratione non fiunt. Verum quicquid super hiis dixerimus allegantes pro hac libertate vel contra eam, certum habeas quod nichil in hac parte certum dicimus nisi quod principis auctoritas decreuerit obseruandum. Sane forestarum ratio, pena quoque G
vel absolutio delinquentium in eas, siue pecuniaria fuerit siue corporalis, seorsum ab aliis regni iudiciis secernitur et solius regis arbitrio vel cuiuslibet familiaris ad hoc specialiter deputati subicitur. Legibus quidem propriis subsistit quas non communi regni iure set voluntaria principum institutione subnixas dicunt, adeo vt quod per legem eius factum fuerit non iustum absolute set iustum secundum legem foreste dicatur. In forestis etiam penetralia regum sunt et eorum maxime delicie. Ad has enim venandi causa, curis quandoque depositis, accedunt vt modica quiete recreentur. Illic, seriis simul et innatis curie tumultibus omissis, in naturalis libertatis gratiam paulisper respirant, vnde fit vt delinquentes in eam soli regie subiaceant animaduersioni.

Discipulus. Ab vngue primo didici quod praue pudentis est ignorantiam pati malle quam dictorum causas inquirere. Vt ergo de predictis plenius constet, aperire non differas quid foresta sit et quid essartum.

Magister. Foresta regis est tuta ferarum mansio, non xii
quarumlibet set siluestrium, non quibuslibet in locis set certis et ad hoc idoneis. Vnde foresta dicitur, *e* mutata in *o*, quasi 'feresta,' hoc est ferarum statio.

9 emsempla *N* 12 *post* libertate *add.* certum dicimus *N* 18 deputari *C* 26 vnde] vnum *R* 28 prudentis *C*: pudentis *vel* prudentis *R* 34 ad] ab *N* 35 feresta] foresta *C*

Discipulus. Numquid in singulis comitatibus foresta regis est?

Magister. Non, set in nemorosis vbi et ferarum latibula sunt et vberrima pascua. Nec interest cuius sint nemora, siue enim regis sint siue regni procerum, liberos tamen et indempnes habent fere circumquaque discursus.

xiii Essarta vero vulgo dicuntur que apud Isidorum occationes nominantur, quando scilicet foreste nemora vel dumeta quelibet pascuis et latibulis oportuna succiduntur; quibus succisis et radicitus auulsis terra subuertitur et excolitur. Quod si nemora sic excisa sint vt subsistens quis in vix extanti succise quercus vel alterius arboris stipite circumspiciens v. succisas viderit, vastum reputant, hoc est vastatum, per sincopam sic dictum. Excessus autem talis, etiam in propriis cuiuslibet nemoribus factus, adeo grauis dicitur vt nunquam inde per sessionem scaccarii liberari debeat, set magis iuxta sui status possibilitatem, pecuniariter puniri. Hactenus de dignitatibus residencium ad scaccarium quod breuitas succincta permisit, et menti mee repente se obtulit, vtcumque figuraliter exposui. Ceterum regum munificentie terminum in hiis, quem non transgrediantur, non constitui. Proni enim sunt omnes propter gratiam sibi creditam in sue dignitatis gloriam promouendam, hii presertim qui recte sapiunt. At ille maxime mundanorum principum maximus, illustris Anglorum rex Henricus secundus, in augendis dignitatibus sibi militantium semper aspirat, sciens pro certo quod indulta suis beneficia nominis sui gloriam immortalis fame titulis emercantur. Nunc igitur ad alia currentem calamum conuertamus.

Discipulus. Consequens est, ni fallor, sicut ex predictis videor comperisse, vt de regis sigillo et libro iudiciario prosequaris, quorum primum si bene memini in thesauro seruatur et inde non recedit.

Magister. Immo et vtrumque, set et pleraque alia.

xiv Noueris autem thesaurum quandoque dici pecuniam ipsam

2 est *om. C* 4 sunt] sint *NR* 7 occasiones *N* 9 succeduntur *R* 14 etiam] et *C* 15 grauius *C* 21 constituti *R* 23 hii presertim *om. N* 31 et *om. R* 34 set *om. C*

numeratam, vasa quoque diuersi generis aurea vel argentea ac vestimentorum mutatoria. Secundum hanc acceptationem dicitur 'Vbi est thesaurus tuus ibi est et cor tuum.' Dicitur enim thesauruslocus in quo reponitur, vnde thesaurus auri thesis, id est positio, nominatur; vt nunc incongrue respondeatur querenti de quolibet vbi sit, 'In thesauro est'; hoc est vbi thesaurus reponitur. Numerata quidem pecunia, vel alia predicta, semel in tuto loco reposita non efferuntur, nisi cum ex regis mandato in necessarios vsus distribuenda sibi mittuntur. Verum plura sunt in repositoriis archis thesauri que circumferuntur et includuntur et custodiuntur a thesaurario et camerariis, sicut supra plenius ostensum est, qualia sunt sigillum regis de quo queris, liber iudiciarius, rotulus qui exactorius dicitur, quem quidem nominant breue de firmis: item magni annales compotorum rotuli, priuilegiorum numerosa multitudo, receptarum recauta ac rotuli receptarum ac breuia regis de exitu thesauri et pleraque alia que consedente scaccario cotidianis vsibus necessaria sunt.

Vsus sigilli regii qualis esse debeat, ex premissis constare xv potest. Hoc enim facte summonitiones et alia, pertinentia dumtaxat ad scaccarium, regis mandata signantur. Nec effertur alias, set sicut supra dictum est a cancellario custoditur per vicarium. Expressam autem habet imaginem et inscriptionem cum deambulatorio curie sigillo, vt par cognoscatur vtrobique iubentis auctoritas et reus similiter iudicetur pro hoc vt pro illo qui secus egerit.

Porro liber ille de quo queris sigilli regii comes est indiuiduus in thesauro. Huius institutionis causam ab Henrico quondam Wintoniensi episcopo sic accepi.

Cum insignis ille subactor Anglie, rex Willelmus eiusdem xvi A pontificis sanguine propinquus, vlteriores insule fines suo subiugasset imperio et rebellium mentes terribilibus perdomuisset exemplis, ne libera de cetero daretur erroris facultas, decreuit subiectum sibi populum iuri scripto legibusque subicere. Propositis igitur legibus Anglicanis se-

7 vbi *om. N* 17 ac] a *R* 20 qualis] quid *C* 23 sicut *NR*: *lacunam C* 26 vtrobique] vtriusque *C* 27 vt] et *N* 36 igitur *om. R*

cundum tripartitam earum distinctionem, hoc est Merchenelage, Danelage, Westsexenelage, quasdam reprobauit, quasdam autem approbans illis transmarinas Neustrie leges que ad regni pacem tuendam efficacissime videbantur, adiecit. Demum ne quid deesse videretur, ad omnem totius prouidentie summam, communicato consilio, discretissimos a latere suo destinauit viros per regnum in circuitu. Ab hiis itaque totius terre descriptio diligens facta est tam in nemoribus quam pascuis et pratis, nec non et agriculturis, et verbis communibus annotata in librum redacta est, vt videlicet quilibet iure suo contentus alienum non vsurpet impune. Fit autem descriptio per comitatus, per centuriatas et hidas, prenotato in ipso capite regis nomine, ac deinde seriatim aliorum procerum nominibus appositis secundum status sui dignitatem, qui videlicet de rege tenent in capite. Apponuntur autem singulis numeri secundum ordinem sic dispositis, per quos inferius in ipsa libri serie que ad eos B pertinent facilius occurrunt. Hic liber ab indigenis 'Domesdei' nuncupatur id est dies iudicii per metaphoram. Sicut enim districti et terribilis examinis illius nouissimi sententia nulla tergiuersationis arte valet eludi, sic cum orta fuerit in regno contentio de hiis rebus que illic annotantur, cum ventum fuerit ad librum, sententia eius infatuari non potest vel impune declinari. Ob hoc nos eundem librum 'iudiciarium' nominauimus, non quod in eo de propositis aliquibus dubiis feratur sententia, set quod ab eo, sicut a predicto iudicio, non licet ulla ratione discedere.

Discipulus. Quid comitatus, quid centuriata vel quid sit hida si placet edissere. Alioquin plana non erunt que premissa sunt.

xvii *Magister.* Ruricole melius hoc norunt. Verum, sicut ab ipsis accepimus, hida a primitiua institutione ex c. acris constat. Hundredus vero ex hidarum aliquot centenariis set non determinatis. Quidam enim ex pluribus, quidam

2 Danelage *om. R* 3 illas *C* 5 deesse] decem *R* videtur *N* 6 prouincie *C* 9 et *ante* nec non *add. NR* 14 seriato *C* 17 libri] membri *C* 18 occurrant *R* 19 Domesdai *C* 21 sic *om. R* 22 que *om. R* 25 non *om. R* 28 sit *om. C* 34 ex *om. C* quidam] quedam *N*

ex paucioribus, hidis constat. Hinc hundredum in veteribus regum Anglicorum priuilegiis centuriatam nominari frequenter inuenies. Comitatus autem eadem lege ex hundredis constant; hoc est quidam ex pluribus quidam ex paucioribus, secundum quod diuisa est terra per viros discretos. Comitatus igitur a comite dicitur, vel comes a comitatu. Comes autem est qui tertiam portionem eorum que de placitis proueniunt in comitatu quolibet percipit. Summa namque illa, que nomine firme requiritur a vicecomite, tota non exurgit ex fundorum redditibus set ex magna parte de placitis prouenit et horum tertiam partem comes percipit. Qui ideo sic dici dicitur quia fisco socius est et comes in percipiendis. Porro vicecomes dicitur eo quod vicem comitis suppleat in placitis illis quibus comes ex sue dignitatis ratione participat.

Discipulus. Numquid ex singulis comitatibus comites ista percipiunt?

Magister. Nequaquam. Set hii tantum ista percipiunt quibus regum munificentia obsequii prestiti vel eximie probitatis intuitu comites sibi creat et ratione dignitatis illius hec conferenda decernit, quibusdam hereditarie quibusdam personaliter.

Rotulus exactorius ille est in quo distincte satis et diligenter annotantur firme regis que ex singulis comitatibus exurgunt, cuius summa minui quidem non potest set per operosam iustitiarum diligentiam frequenter augetur. Reliquorum ratio, scilicet annalium rotulorum, et aliorum quorum supra meminimus que in thesauro sunt et inde non recedunt, ex predictis satis liquet. Restat igitur vt ad maiores et magis necessarias institutiones scaccarii conuertamur, in quibus vt predictum est excellentior est et vtilior et a pluribus remotior scaccarii scientia.

[Explicit liber primus. Incipiunt capitula secundi libri.

13 eo *om. NR* 18 *Magister om. R* 20 comitis *N* 26 iusticiar' *CR*: iusticiarium *N*: iustitiariorum *Liebermann* 34 et qualiter *post* fiunt *C*

III. De agendis vicecomitis multipliciter.

IV. Quibus de causis absentia vicecomitis valeat excusari.

V. Quid sit quosdam fundos dari blancos, quosdam numero.

VI. Que sint vicecomiti computanda, elemosine scilicet, decime, liberationes vtriusque generis, et terre date.

VII. Que sint per solam consuetudinem scaccarii vicecomiti computanda, hoc est sine breui.

VIII. Quo ordine computanda sunt vicecomiti que in operibus missa sunt per breue regis numerum non determinans.

IX. Quod non absoluitur quis a debito per breue regis numerum non habens etsi causam determinet.

X. De excidentibus et occupatis quod vsitatius dicimus de purpresturis et escaetis.

XI. De censu nemorum qualiter de hiis compoti fieri debeant.

XII. De placitis et conuentionibus quo ordine de hiis compoti fiant cum exacta soluuntur.

XIII. De distinctione personarum que soluendo non sunt, de quibus a vicecomite fides offertur et sub quo tenore verborum detur.

XIV. Que catalla debitorum vendenda sint cum ipsi non soluunt et quis in vendendis ordo sit obseruandus.

XV. Quod vicecomes a debitoribus debitoris illius, qui regi non soluit, debitam regi summam prius suscipiat.

XVI. Quod vicecomes, a fundis eius qui non soluit, quod requiritur percipiat etiam si eosdem ex quo regi teneri ceperit quomodolibet alienauerit.

XVII. Quod non licet viceconiti debitam sibi pecuniam a non soluentibus suscipere et quid sit agendum si forte susceperit.

6 computanda elemosina *N*: computando elemosina *R* 8 sint] sit *N* 11 numero *NR* 13 a debito] autem debet *N* breui *R* 14 habens *Madox*: habente *CN*: h'autar *R apicibus* ar *expunctis* etiamsi *NR* 21 destinatione *R* 22 a] autem *N* 24 castella *R* 28 soluit] solum *CR* 29 si] se *R* 30 cepit *N* 32 quid] qui *C*

XVIII. Qualiter vir pro vxore vel vxor pro viro conuenienda est cum ille vel illa soluendo non est.

XIX. Quod non sit idem modus coercionis baronum regis et aliorum in penis pecuniariis.

XX. Quid faciendum cum economus qui fidem dedit de satisfaciendo non comparet.

XXI. Quid cum veniens non satisfacit, si miles est. Quid, si non miles.

XXII. Qualiter ipse dominus puniendus est qui sponte militem exposuit vt possit interim liberari.

XXIII. Quid de sponte offerentibus faciendum cum et ipsi non soluunt.

XXIV. Quid de releuiis sponte non solutis.

XXV. Quid de auibus oblatis faciendum et quo tempore summonende.

XXVI. De auro regine.

XXVII. Quod aliter de firmis atque aliter de custodiis respondendum et sub alio tenore fides danda.

XXVIII. Quod fides vicecomitis semel data de legittimo compoto sufficiat per vniuersum.

Incipit liber secundus.]

AUDI me frater et auribus audiendi percipe que loquar tibi. Non penitebit te modicum tempus ereptum otiis impendere velle negotiis. Sunt enim non nulli qui non erubescunt dicere in cordibus suis 'qui apponit scientiam apponit et dolorem.' Hiis onerosa est doctrina et iocundum desipere: propter hoc ab hiis longe facta est veritas, quia metuentes iocundum discipline laborem incidunt in errorem. Fiunt igitur ceci corde, viarumque pericula non videntes pronis gressibus in precipitium ruunt. Verum te, frater, nullus dies otiosum inueniat ne te forte vacantem pessimis quibusque subiciat pronior in malum infirmitatis humane conditio. Quod si forte tibi nulla sunt, honesta tamen finge negotia, vt semper exercitatus animus expeditior sit

3 regis baronum regis *R* 10 vt possit *om. R* 13 releuio *N* soluto *N* 14 ablatis *N* 17 Quod] Quid *R* atque] et *C* 19 vicecomitis *om. C* 27 decipere *N* 31 ne] nec *N* vocantem *NR*

ad doctrinam. Hiis igitur negotiis in que nos impegisti paulisper attende; non vt ex eis magni laboris metas fructus, set tantum ne otiosus.

Discipulus. Vereor ne instantis noctis crepusculum precipitem inponat finem negotiis, et omissis pluribus necessariis acceleres, vt careas inportunitate querentis.

Magister. Immo ego magis veritus sum, ne te post longa silentia, propter agrestem stilum, diu suppressus cachinnus succuteret, vel forte tacitus tecum pertractasses qualiter sine nostra molestia ab hiis auelli posses ad que nos coegisti. Ob hoc fateor me finem intempestiuum pene posuisse dicendis. Set tamen cum docilis sis, et in te nondum tepuerit attentionis industria cepto ferar itinere. Vt igitur disposite rationis ordini satisfiat, de summonitionibus primo loco dicendum est, ex quibus scilicet, et qualiter, et ad quid fiant; atque vt de hiis tibi plenius constet, sit trium premonstrandorum primo prius ultimum, hoc est ad quid fiant.

i
A Fiunt autem summonitiones vt scaccarium fiat.

Precedente namque breui summonitionis, quod regie auctoritatis signatur imagine, conuocantur ad locum nominatum qui necessarii sunt. Nec enim necesse habent accedere nisi summonitione premissa. Accedunt autem quidam vt sedeant et iudicent, quidam vt soluant et iudicentur. Sedent et iudicant, ex officio vel ex principis mandato, barones quorum supra meminimus. Soluunt autem et iudicantur vicecomites et alii plures in regno quorum quidam voluntariis oblationibus, quidam necessariis solutionibus obnoxii sunt, de quibus infra plenius dicemus in agendis vicecomitis. Horum itaque cum per omnes comitatus numerosa sit multitudo, oportet in ipsa citatione emissa de singulis seriatim exprimi, quantum in instanti termino solui debeat, adiecta etiam causa vt sic dicatur 'de illo habeas hanc vel illam summam propter hanc, vel hanc causam.' Quod si a residente ad compotum vicecomite requiratur aliquid de quouis debitore

10 nostrum *R* 13 industria] materia *N* ferraris *C*: ferru *R*
20 auctoritas *N* 23 sedeant] scribeant *R* 24 sedunt *R* 25 vel *om. R*
32 in *om. N* 33 summam *om. N* 34 si] vero *C* a] autem *NR*

qui sit in comitatu suo de quo tamen in summonitione nulla fiat mentio, non tenebitur respondere, set magis excusabitur quia non precessit huius rei summonitio. Ad hoc ergo summonitiones fiunt vt firme regis et debita multiplici ratione requirenda fisco proueniant. Verum sunt aliqua que per manum vicecomitis prouenire necesse est etiam si B
nulla de hiis summonitio fiat, set hec magis casualia sunt quam constituta vel certa sicut ex consequentibus liquebit.

Qualiter autem vel quo ordine fiant primo dicendum est ac demum ex quibus. Noueris autem quod soluto scaccario termini illius quo fiunt summonitiones, excipiuntur a clericis thesaurarii debita regis per singulos comitatus a magno rotulo illius anni et in breuioribus annotantur simul cum causis. Quo facto secedunt hii in partem quos maiores diximus, proposito comitatu quolibet, et de singulis debitoribus illius decernunt quantum summoneri debeat, habita consideratione secundum qualitatem persone et secundum qualitatem negotii et cause pro qua regi tenetur. Autenticus etiam annalis rotulus, a quo debita excepta sunt, tenetur a thesaurario vel eius clerico ne forte fuerit in excipiendo quomodolibet erratum. Est etiam alius clericus, qui, quod illi taxauerint, in exceptis annotat studiose, de quibus summonitio fit per hec verba 'H. rex Anglorum illi vel illi vicecomiti salutem. Vide sicut te ipsum et omnia tua diligis quod sis ad scaccarium ibi vel ibi in crastino sancti Michaelis vel in crastino clausi Pasche, et habeas ibi tecum quicquid debes de veteri firma vel de noua et nominatim hec debita subscripta; de illo x. marcas pro hac causa' et sic deinceps. Annotatis autem omnibus debitis illic seriatim cum causis que in maiore annali rotulo continentur, proferuntur minores quique perambulantium C
iudicum rotuli, ex quibus excipiuntur que in singulis comitatibus domino regi debentur labore et industria ipsorum,

1 tantum *C* 2 nullam *N* 4 fiunt] fuerit *N* 6 etiam] et *C* 9 fiant *om. C* 10 deinde *C*: domum *R* *pro* autem *habet R rasuram* scaccarii *R* 11 termino *N* 12 a] in *R* 14 similiter *CR* secederit *N* 15 maiorem *C* 16 summonitioni *CR* 17 qualitatem] quantitatem *C* 20 a] autem *N* in excipiendo fuerit *C* 21 erratam *N* 27 debes de] de *om. N* 27 de noua] de *om. NR* 29 sic *om. C* 32 iudicii *N* 33 et] vel *C* ipsarum *R*

et hiis taxatis a maioribus in summonitionibus annotantur. Quibus per ordinem digestis terminatur summonitio per hec verba ‘et hec omnia tecum habeas in denariis et talliis et breuibus et quietantiis vel capientur de firma tua. Teste illo vel illo ibi ad scaccarium.’ [Fuerunt tamen qui crederent dicendum in denariis, vel talliis, vel breuibus, vel quietantiis, non intelligentes † vel † quandoque subdisiunctiue poni. Superflua tamen est huiusmodi de verbis contentio cum de eorum intellectu constiterit. Siue enim dixeris ‘in denariis vel breuibus vel quietantiis’ vel ‘in denariis et breuibus et quietantiis,’ idem est intellectus, vt scilicet in hiis omnibus vel eorum aliquibus satisfiat de hiis que in summonitione continentur.] Preterea, quia nouis morbis per noua remedia decet subueniri, additum fuit in summonitionibus hoc subscriptum ex nouella constitutione, hoc est post tempora regis Henrici primi, ‘Quod si forte de alicuius debito summonitus es qui terram vel catalla non habet in baillia tua, et noueris in cuius baillia vel comitatu habuerit, tu ipse vicecomiti illi, vel balliuo, per breue tuum hoc ipsum significes, deferente illud aliquo a te misso, qui ei breue tuum in
D comitatu, si potest, vel coram pluribus liberet.’ Hec que prediximus apponere ridiculosa satis et dispendiosa quorundam subterfugia compulerunt. Cognito enim quibus determinatis temporibus summonitiones emittebantur, antequam peruenisset ad comitatum summonitio de debito suo, vacuatis horreis et pecuniis suis quocunque sibi distractis vel ad loca tuta translatis, vacuus in domo sua residens vicecomitis et ceterorum officialium securus expectabat aduentum, et hac arte plurimis annis regie summonitionis auctoritas non sine dispendio videbatur illudi. Ille enim ad quem cum facultatibus suis, metus huius causa, transierat, cum inde mandatum non haberet, in res suas manum mittere non presumebat. Hac ergo consideratione per

3 in] et *R* 5–13 Fuerunt . . . continentur *seclusimus* 8 huiusmodi est *C* 11 *post* scilicet *add.* vicecomes *CR* 11, 12 omnibus . . . hiis *om. R* 15 post] per *N* 17 habet *Madox*: habent *codd.* 18 *post* vicecomiti *add.* que *C* 22 predicimus *NR* 24 temporibus *om. NR* 26 districtis *N* 27 tuta] sua *C* vacuis *R* 30 elludi *N* 31 causa *Madox*: cause *codd.*

aliquot annos in summonitionibus appositum fuit verbum quod premissum est; nec postea alicui patuit locus subterfugii quin satisfaciat omnis debitor per omnem modum, nisi quem sola suprema excusat inopia. Cum autem iam omnibus vicecomitibus et debitoribus constitisset quod sic sophistice poterant importunitates determinari, non oportuit amplius illud verbum apponi, nec apponitur. Modus tamen ille qui dictus est coercionis debitorum quacunque se transtulerint perseuerat apud vicecomites et quasi quodam iure perpetuo constitutus seruatur.

Discipulus. Audiui iam dudum, referentibus multis, quod bis in anno scaccarium conuocetur, hoc est in termino Pasche et in termino sancti Michaelis. Dixisti etiam, si bene memini, nisi premissis summonitionibus scaccarium non teneri. Cum ergo summonitiones ad vtrumque terminum fiant, rogo te, si placet, aperias si in vtrisque summonitionibus lex vna seruetur, vel si in verborum tenore dissonantia est que sit et quare sic.

Magister. Magnum tue prouectionis est argumentum ii A
quod super hiis dubitare iam nosti. Porro certo certius est quod bis scaccarium in anno convocatur et tenetur precedentibus tamen, vt predictum est, summonitionibus; terminorum etiam vtriusque sessionis satis bene meministi. Set attende quod in termino Pasche a vicecomitibus non compoti set quidam visus compotorum fiunt, vnde pene nichil eorum que illic tunc geruntur scripture commendatur. Set totum reseruatur alii termino vt tunc diligenter in magno annali rotulo singula per ordinem annotentur. Tamen quedam memoranda que frequenter incidunt a clerico thesaurarii seorsum tunc scribuntur vt soluto scaccario illius termini de hiis discernant maiores, que quidem non facile propter numerosam sui multitudinem nisi scripto commendarentur occurrerent. Insuper quicquid vicecomes in

4 exerceat *C* opia *N* 5 constituisset *N* 8 illi *C* quicunque *C* si *R* 12 bis] vis *N* 17 in *om. R* 18 sic *om. R* 20 iam nosti dubitare *R*: omnia nosti dubitare *N* certo] certe *C* 21 ius scaccarii *N* 23 etiam] cum *R*: *om. N* 26 geruntur] ge . . . . *R* 27 vt] dat *R*: *om. N* 28 singulo *R* 29 incident *N* 30 tunc scribuntur] conscribuntur *N* 32 commendaretur *N* 33 quid *N*

thesauro soluerit de firma, ac deinde, si satisfecit, in eadem linea scribitur 'Et quietus est.' Si non, debitum eius in inferiori linea distincte ponitur, vt sciatur quantum de summa illius termini desit, et statim satisfaciat ad arbitrium presidentium. Quilibet enim vicecomes medietatem firme illius que de suo comitatu per annum exurgit in termino illo soluturus est. Noueris autem quod in hiis summonitionibus tenor verborum non mutatur nisi quod ad terB minum pertinet vel locum, si scilicet decreuerint maiores alias tenendum scaccarium Pasche et alias sancti Michaelis. Sed, eadem virtute verborum in vtrisque summonitionibus seruata, dissimilis est debitorum exceptorum annotatio. In summonitione namque contra terminum Pasche facta, quia tunc annus ille dicitur initiari, simpliciter dicetur, 'de illo habeas x.' Et de hac summonitione non nisi soluendo tunc vel satisfaciendo de x. absoluetur. At cum facienda est summonitio de termino sancti Michaelis, in quo clauditur et terminatur idem annus et fit annalis rotulus, addentur predictis x. alia x. vel plura, sicut presidentibus taxantibus visum fuerit, et dicetur, 'de illo habeas xx.' qui tamen in termino Pasche de hac ipsa summa x. soluerat, set soluens x. in denariis nunc, et proferens taleam de x. iamdudum solutis absolui merebitur a summonitione. Dictum est enim in summonitione 'hec omnia habeas in denariis et breuibus et taleis.' Noueris preterea quod, facta summonitione, si dum corrigitur inuentus fuerit error, non debet subducta linea cancellari set nec abradi, quia patens scriptum est, immo potius in quo erratum fuerit debet penitus obliterari, vt quod scriptum fuerat, nulli pateat. Cuius rei causa, si tecum super hiis actitaueris, facile tibi valet occurrere.

Discipulus. Cum, sicut commemoras, patens sit illud
C scriptum, et sic vicecomiti destinetur, et per longa tempora

1 firmis *N* 4 satisfaciet *N* 5 residentium *C* 9 decreuerunt *R* 10 *post* alias *posterius add.* tenendum *C* 12 dissimilis] et similis *N* 18 addetur *NR* 19 vel] li. *N* taxantibus *om. N* 21 x. *om. R* soluatur *N* 22 *ante* taleam *add.* x in *C* iamdudum] iam ducturus *N* 23 a solutione *C* 24 hec omnia] heciam *R* in *om. R* 27 cancellarii *R*

penes ipsum suosque resideat, soli fidei eius summonitionis indempnitas committitur. Posset enim, quod vellet, impune delere, mutare vel minuere, cum non exstet aliquod penes barones eius rescriptum.

Magister. Posset fortasse si vellet, set foret hoc insani capitis argumentum, si tantis se sponte periculis opponeret, presertim cum non auferre sic regis debita posset set vix differre: omnia namque debita de quibus summonitiones fiunt, alias diligenter annotata seruantur, vnde non posset quis a debito suo, etiam procurante vicecomite, hac arte liberari; verum ad maiorem huius rei cautelam, vidimus a Pictauense archidiacono, nunc Wintonense episcopo, omnium summonitionum rescripta fieri nec aliquatenus originales emitti, nisi factis et diligenter correctis earum rescriptis. Cum autem, sedente vicecomite ad compotum, legeretur summonitio a clerico cancellarii, inspiciens clericus archidiaconi rescriptum obseruabat eum, ne exorbitaret. Procedente vero tempore, cum numerus debitorum cresceret in inmensum, adeo vt vni summonitioni vix vnius membrane longitudo sufficeret, cessum est multitudini et laborioso operi, et sola originali summonitione, sicut antiquitus, contenti sunt. Sic habes vt credo, quantum breuitas permisit, qualiter et ad quid summonitiones fiant; nunc ex D
quibus fieri debeant libet intueri, licet ex premissis hoc ipsum magna pro parte iam constet.

Illustris Anglorum rex, Henricus, hoc nomine participantium regum secundus dictus est, set nulli modernorum fuisse creditur in rebus componendis animi virtute secundus. Ab ipso enim sue dominationis exordio, totum in hoc direxit animum vt paci rebellantes et discolos multiplici subuersione contereret, et pacis ac fidei bonum in cordibus hominum modis omnibus consignaret. Huius igitur insignia

2 committatur *R* 3 vel minuere *om. R* 5 hoc] set *R* 6 se periculis sponte *N* 8 deferre *R* 14 emitti *in rasura C* 16 legentur summam *R* 19 *pro* in inmensum *habet lacunam R* summonitione *N* vix *om. NR* 22 contenti *Stubbs*: contempti *codd.* Sic habes] Ergo liberes *C* quantum quantum *C* 24 intueri *om. R* licet ex] cum e *R* 29 ipso] ipsa *R* enim *om. R* 30 discoles *R* 31 subuensione *R* conteret *NR*

cum iam in omnes gentes celeberrima fama vulgauerit, adeo vt hiis exponendis insistere superuacuum videatur, vnum tamen est quod cum silentio preterire non valeo ex quo solo singularis eius probitas et pietas inaudita firmatur.

'Non tamen hoc hominis fuit immo dei miserentis
quod sibi quod toti cum paucis restitit orbi.'

Discipulus. Qualiter sibi resistere dici possit opus insigne, nisi planum feceris, non video.

Magister. Licet hoc ad opus ceptum vel propositum non attineant, memor tamen regis illius magnanimi cum pace mee mentis hiis supersedere non valui. Videas ergo quam miraculose vir ille sibi restitit in suis. Filios quidem, sue carnis immo et anime sue spem post deum unicam et E gloriam singularem, dum paruuli essent et ratione etatis cerei supra modum et in omnem animi motum proni, vulpecule pertinaces consiliis prauis demolite sunt; et tandem in patrem tanquam in hostem sua viscera conuerterunt. Facti sunt etiam 'inimici hominis domestici eius' et qui custodiebant latus eius consilium inierunt aduersus eum, dicentes filiis et hostibus, 'persequimini et comprehendite eum quia non est qui eripiat.' Diceres in hiis completum verbum prophete 'filios enutriui et exaltaui, ipsi autem spreuerunt me.' Cum igitur vxor in virum, filii in patrem suum, domestici sine causa deseuirent in dominum, nonne satis optime sibi rebellantem virum diceres? Verum contra numerosam hostium multitudinem solius diuine gratie magnitudo subuenit et, quasi pugnante pro se domino, sic in breui pene rebelles omnes optinuit vt longe fortius quam prius ex eo quo infirmari debuit, confirmaretur in regno. Norunt enim propter hoc potentissimi qui conspirauerant aduersus eum in omni virtute sua, clauam a manu Herculis nisi

1 vulgaret *C* 2 exnouendis *R* 5 immo] set *C* 6 paucis cum toti *N* 7 possit dici *N* 10 ad pertineant *R*: animi pertineant *N* 12 suis *scripsimus*: suo *C*: suos *NR* *ante* filios *add.* scilicet *C* 18 et] vt *R* 19 innuerunt *N* 20 persequamini *C*: persequemini *N* 20, 21 et . . . eripiat *singulis tantum apicibus exprimunt codd.* 21 Discere *C*: Dicens *N* 22 exaltaui] ex. *codd.* 24 deseuirent in] descurenti *R* 25 rebellentem *N* 26 in *ante* diuine *add. N* 28 pene] pone *R* 29 quo] quod *C* debuit] debent *C* 30 conspirauerat *N*

vix extorqueri non posse. Comprehensis insuper hostibus, tam enormis sceleris incentoribus inaudita pepercit misericordia, vt eorum pauci rerum suarum, nulli vero status sui vel corporum dispendia sustinerent. Si legeres vltionem quam exercuit Dauid in subuersores Absalonis, filii sui, diceres hunc illo longe mitius egisse: cum tamen de illo scriptum sit 'inueni virum secundum cor meum.' Licet autem F
rex insignis pluribus habundaret exemplis et posset in eos iustissimam exercere vindictam, maluit tamen expugnatis parcere, quam eos punire, vt eius regnum crescere viderent vel inuiti. Viuat igitur in longa tempora rex ille gloriosus et felix et 'pro impensa gratia, gratiam mereatur ab alto.' Viuat et proles eius ingenua, patri suo subiecta nec ei dissimilis, et quia nati sunt populis imperare paterno simul et proprio discant exemplo quam gloriosum sit 'parcere subiectis et debellare rebelles.' Nos autem suscepta negotia prosequamur. Quod si de hiis et aliis eius strenuis actibus libet plenius instrui libellum cuius supra meminimus, si placet, inspicito.

Igitur, post naufragum regni statum pace reformata, studuit iterum rex auita tempora renouare et, eligens discretos viros, secuit regnum in sex partes vt eas electi iudices, quos errantes vocamus, perlustrarent et iura destituta restituerent. Facientes ergo sui copiam in singulis comitatibus, et hiis qui se lesos putabant iustitie plenitudinem exhibentes, pauperum laboribus et sumptibus pepercerunt. Contigit autem in hiis plerumque varios excessus variis modis pro negotiorum qualitate puniri vt quidam corporalem, quidam pecuniariam penam luant. Porro pecuniarie delinquentium pene in rotulis errantium diligenter annotantur et, consedente scaccario, coram omnibus thesaurario G
traduntur. Caueant autem iudices vt correctos et per ordinem dispositos rotulos thesaurario liberent. Non enim

2 sceleris] seculis *N* in scentoribus *N* percipit *C* 6 egisse] exisse *NR* 7 autem] enim *N* 8 rex] res *CN* eis *R* 9 iustissimam] vilissimam *N* 10 viderent *scripsimus*: viderant *CR*: vicl'ant *N* 12 ab *iterauit R* 13 et *om. R* 14 impirare *N* 19 formata *C* 20 discretis *R* 25 pauperum] pauperibus in *C* 26 excessus varios plerumque *N*: varios excessus plerumque *R* 28 luatur *N* 30 thesauro *NR* 31, 32 et per ordinem dispositos *om. R* 32 depositos *N*

fas erit ipsis etiam iudicibus, facta traditione, iota vnum mutare etiam in quod omnes iudices consenserint.

Discipulus. Hoc mirabile est quod, cum scriptorum suorum auctores sint, et non nisi de ipsorum industria vel labore proueniant, etiam in vnum aliquid consentientes scriptum proprium mutare non possunt.

Magister. Cum indulta sint correctionis tempora et legem nouerint constitutam, sibi imputent. Oblatorum enim summa vel ab ipsis debitoribus, si in hac condempnati sunt, vel ab ipsis iudicibus requiretur. Vt si in rotulo suo condempnatum aliquem in solutione xx. descripserint et, tradita iam cautione thesaurario, recordati fuerint quod non teneatur ille nisi in x. ipsi iudices de residuo satisfacient, quia scriptum suum cum deliberatione factum et correctum post traditionem reuocare non possunt. Susceptorum vero rotulorum debita thesaurarius in magno annali rotulo diligenter et distincte per singulos comitatus annotari facit simul cum causis, prenotatis, vt iam dictum est, nominibus iudicum, vt per hoc exactorum fiat discretio. Ex hiis igitur summonitiones fiant sic ' De placitis illorum N. de illo hoc et de illo illud ' secundum quod presidentes prius debita taxauerunt.

Habes ex predictis, vt credimus, quantum necesse est, ex quibus et qualiter et ad quid summonitiones fiant: nunc ad agenda vicecomitis transeamus. Decet autem te dicendis sollicitam adhibere diligentiam, quia in hiis excellentior scaccarii scientia consistit sicut dictum est ab initio.

iii A Omnes igitur vicecomites et balliui, ad quos summonitiones diriguntur, eadem necessitate legis constringuntur, hoc est auctoritate regii mandati, vt scilicet die nominato designatoque loco conueniant et de debitis satisfaciant; quod vt manifestius fiat ipsius summonitionis tenorem diligentius intuere. Ait enim, 'Vide, sicut te

1 etiam] et *C* 1, 2 vnum mutare] vna immutare *C* 3 *ante* Hoc *add.* In *NR* 5 proueniat *N* 8 nouerant *C*: nouerit *N* constituta *R* 9 hanc *NR* condempnitati *R* 11 descripserit *N* 13 iudicis *R* 16 thesaurario *C* 19 exactorium *C* 20, 21 hoc et de illo *om. NR* 26 sollicituram *C* 27 constitit *NR* 31 regum *C*

ipsum et omnia tua diligis, vt sis ad scaccarium ibi tunc et habeas tecum quicquid debes de veteri firma et noua et hec debita subscripta.' Attende igitur, quia duo dicuntur que duobus sequentibus coaptantur, hoc enim 'vide sicut te ipsum diligis' refertur ad 'sis ibi tunc,' illud vero 'et sicut omnia tua diligis' referri videtur ad hoc 'et habeas ibi tecum hec debita subscripta,' ac si aperte dicatur 'Absentia tua, tu, quicunque suscipis summonitionem, nisi necessariis et lege diffinitis causis possit excusari, in capitis tui periculum redundabit; videris enim sic regium spreuisse mandatum et in contemptum regie maiestatis irreuerenter egisse, si citatus super regiis, quibus addictus es, negotiis, nec veneris nec excusatorem miseris. Verum si per te steterit quominus debita subscripta soluantur, tunc de firma, quam soluturus es, aliena debita de quibus summonitus es, capientur; firma vero de catallis tuis et fundorum tuorum redditibus perficietur, te interim, si barones decreuerint, in loco tuto sub libera custodia collocato.' Cum ergo premissa fuerit et a vicecomite suscepta summonitio, ipsa die nominata veniat et ostendat se presidenti, si adesse eum contigerit, B vel thesaurario, si presidens ille presens non fuerit. Deinde, salutatis maioribus, ipsa die sibi vacet, in crastino et deinceps die qualibet ad scaccarium rediturus. Quod si forte nec venerit nec iustam premiserit excusationem, prima die regi condempnabitur in c. solidis argenti de quolibet comitatu, sequenti vero in x. libris argenti [similiter in centum]. Tertia, sicut ab hiis accepimus qui nos precesserunt, in beneplacito regis erunt quecunque mobilia possidet. Quarto vero, quia iam ex hoc contemptus regie maiestatis conuincitur, non solum in rebus suis sed in propria persona soli regie misericordie subiacebit. Sunt tamen qui credant ad omnem summam solam penam pecuniariam sufficere, vt scilicet in prima die in c. solidis, secunda similiter in c. solidis, et ita deinceps per singulos dies in singulis centenis

1 ibi] hibi *R* 7 ibi *om.* *N* 10 sumpisse *R* 12 addictus] additus *R* 13 excusatore *NR* per te] parte *N* 15 soliturus *NR* 18 tuto] tuo *R* 19 fuerint *N* et *om.* *N* 22 in] et *R* 23 quelibet *R* nec] non *C* 25 qualibet *R* 26 vero] vt *N* similiter ... centum *seclusimus* 28 possident *C*

puniantur absentes. Hiis ego non dissentio; si tamen is, cui delinquitur, in hoc ipsum consenserit. Hunc autem pene modum velle regem admittere satis probabile est cum eius gratia singularis

'ad penam pigra sit et hec ad premia velox.'

Discipulus. Imprudentis pariter et impudentis est auditoris currentem calamum ante prouisum dicendorum finem C preoccupare: ideoque sustinui voluens in animo quod ex parte me turbat. Dixisti enim, si per vicecomitem steterit quominus debita subscripta soluantur, tunc de firma quam soluturus est, capientur. Si ergo vicecomes per breuia regis vel in operationes vel alias vniuersa distribuerit que hic fuerat soluturus, quid fiet?

Magister. Cum ex regis mandato vel in camera curie vel in operationibus, vel quibuslibet aliis firmam comitatus expenderit, si in debitis soluendis minus egisse deprehenditur, per fidem suam, vbi maiores decreuerint, detinebitur donec de hiis satisfiat, sicut de firma satisfacturus fuerat.

Discipulus. Cum citatum vicecomitem et non venientem vel excusantem tum rerum mobilium tum immobilium tum etiam proprii corporis grauis iactura sequatur nisi suam non voluntariam sed necessariam absentiam excusauerit; rogo te, si placet, vt quas citatus pretendere possit absentie sue sufficientes causas, aperire non differas.

iv *Magister.* Plures sunt excusationum modi, quibus vice-
A comitis absentia seruatur indempnis; sic tamen vt occasione vel excusatione postposita die nominata per legittimos viros pecuniam regis antea collectam premittat, qui porrigentes presidenti litteras excusationis, et absentie domini sui causas necessarias allegantes, etiam sacramento corporaliter prestito, si presidenti placuerit, easdem confirment. Quod si vicecomes vel alius seruiens citatus, infirmitate detentus

1 ergo *C* 2 in] et *R* consenserint *N* 3 admittere regem *C* 5 sit] sic *R* velox] *lacunam habet R* 7 prouisu *N* 8 *post* sustinui *add.* finem *C* volumis *N* 12 *ante* alias *add.* in *C* 13 soliturus *N* 15 operationis *R* *ante* quibuslibet *add.* in *C* firma *NR* 16, 17 de comprehenditur *NR* 18 satisfaciat *N* fuerat] erat *C* 20 tum immobilium *om. R* 20, 21 tunc in *R*: tum etiam in *C* 23 quas] quis *CN* 27 excusatione postposita vel occasione *C* 28 qui] quia *C*

adesse non poterit, addat in litteris excusationis que ad scaccarium diriguntur 'Et quia venire non possum, mitto vobis hos seruientes meos N. et N. ut loco meo sint et quod ad me pertinet faciant, ratum habiturus quod ipsi fecerint.' Prouideat autem qui excusat vt alter vel vterque missorum miles sit vel laicus alius ratione sanguinis vel aliter sibi coniunctus: hoc est cuius fidei vel discretioni se et sua committere non diffidat: solos enim clericos ad hoc suscipi non oportet, quia si secus egerint non decet eos pro pecunia vel ratiociniis comprehendi. Si vero citatum vicecomitem abesse contigerit, non infirmitate quidem, sed qualibet alia causa prepeditum, sic forsitan a pena constituta poterit liberari; verum ad explendum compotum suum nullus pro eo suscipietur nec primogenitus filius nec generalis eius B procurator, etiam si breue suum direxerit se ratum habiturum quod ille vel ille pro se fecerit. Solius vero mandati regii, vel etiam presidentis auctoritate, si rex absens fuerit, ad compotum suum explendum alium poterit substituere; si tamen aliud a domino rege negotium sibi gerat assignatum, ipse ad scaccarium in propria persona presentem nominet qui, iuxta quod supradictum est, possit et debeat vicecomitis absentis negotia procurare. Illud autem breue regis vel presidentis vel vicecomitis excusantis in forulo marescalli cuius supra meminimus in testimonium huius rei reseruabitur. Quod si vicecomes alias regi necessarius ab ipso vocatus fuerit extra regnum, vel, accepta licencia, pro familiaribus negotiis exire disposuerit, prius presidentem adeat et viua voce vices suas ad scaccarium deleget cui voluerit viro legittimo; quo facto, cum absens fuerit, nec breue mittere nec absentiam suam excusare cogetur. Excusante vero se vicecomite causa infirmitatis, cum ventum fuerit ad scribendum eius compotum in annali rotulo, dicetur 'Willelmus, vicecomes Londonie, Robertus filius eius pro eo, reddit compotum de firma de Londonia.' At si per regis mandatum alius sibi substituitur, vel ipse viua

3 meo] modo *R* 14 nec] nisi *N* 18 explendum alium *om. R* 19 a] in *N* 20 ad scaccarium] adiectum *N* 31 ventum] necesse *N* 33 de Lundoniis *NR* 34 reddet *NR* 35 ipse] ipsa *N*

voce sicut predictum est aliquem pro se designauerit presidenti, sic per omnia dicendum est ac si ipse in propria
C persona ad compotum resideret.

Discipulus. Numquid infirmitas sola sufficiens est excusatio per quam citatus absens seruetur indempnis?

Magister. Absit: sunt enim plures ad scaccarium, set hec tam in litibus quam in aliis negotiis ecclesiasticis et forensibus est vsitatior. Porro decet te esse memorem predictorum vt intelligas nullam excusationem hoc efficere vt regis pecunia de comitatu collecta penes eum detineatur impune vel ad scaccarium die nominata non mittatur. Premissa ergo pecunia, poterit excusari per infirmitatem sicut dictum est. Item, si filius eius primogenitus quem declarauit heredem post se futurum, morti proximus iudicetur, excusabitur; item, si vxor eius dolore partus periclitari ceperit vel quauis alia de causa morti proxima decubuerit, quia portio sue carnis est, excusari poterit. Item si dominus eius qui vulgo ligius dicitur, hic est, cui soli ratione dominii sic tenetur vt contra ipsum nichil alii debeat, rege dumtaxat excepto, vocauerit ipsum, vt adsit sibi tracto in ius de toto feodo suo vel eius maxima parte, vel super alia causa que in status vel corporis sui detrimentum redundare videatur
D excusari poterit; sic tamen si dominus ille nec amplius excusare nec aliter litem declinare valuerit. Quod si idem dominus alium super huiusmodi sollicitauerit, et liberum sit ei absque enormi dampno diem prorogare, si vocauerit domini regis vicecomitem, hominem quidem suum, venire non tenebitur quia nec sic ad scaccarium posset excusari. Item si idem dominus eius infirmitatis pondere pressus testamentum coram suis condere voluerit et ad hoc cum aliis fidelibus suis ipsum euocauerit, excusabitur. Item, si dominus eius, vel vxor vel filius, debita carnis soluerit, et hic debita funeris obsequia procurauerit, excusari merebitur.

5 pro qua *C* 7 tam] tamen causa *C* ecclesiasticus *N* 7, 8 et forensibus . . . memorem *om. N* 8 memorem esse *R* 10 eum] cum *N* 18 dicitur ligius *C* hic] hoc *NR* cui ratione sola *C*: cum sibi ratione *R* 24 *post* excusare *add.* poterit sic tamen si dominus ille *N* 26 diem] dicit *N* 27 venire] venie *R* 29 eius *om. N* 32 solueret *C*

Sunt et alie plures excusationes absentie vicecomitis, necessarie quidem et legibus determinate, quas non abdicamus vel excludimus, immo cum sufficientes vise fuerint, a maioribus libenter suscepimus. Sed has que menti mee se ad presens optulerunt quasi frequentiores, exempli causa, subiecimus.

Discipulus. Videor ex predictis perpendere quod miles, vel quilibet alius discretus, possit a rege vicecomes, vel alius balliuus creari, etiam si nil ab ipso possideat sed solum ab aliis.

Magister. Debetur hec prerogatiua dignitatis publice potestati, vt cuiuscunque sit, cuicunque vir aliquis in regno militet vel ministret, si regi necessarius visus fuerit, libere possit assumi et regiis obsequiis deputari.

Discipulus. Ex hoc etiam cerno verum esse quod dicitur

'An nescis longas regibus esse manus?'

Sed iam nunc, si placet, ad agenda vicecomitis manum E
mittere non differas. Ad hec enim, te monente, totam attentionis industriam iam collegi sciens ex hiis excellentem scaccarii scientiam, sicut predictum est, debere requiri.

Magister. Gratulor te memorem premissorum; vnde fateor languenti pene calamo te stimulos addidisse; noueris autem quod vicecomes, nisi facto prius examine, debitisque de quibus summonitus est solutis, residere non debet ad compotum. Cum autem accesserit et iam residerit, alii vicecomites excludantur, et resideat solus cum suis ad interrogata responsurus. Prouideat autem vt ipsa die vel precedente debitoribus sui comitatus innotuerit, qua die sit ad compotum sessurus, vel etiam circa domum scaccarii, vel vicum vel villam, voce preconia ipsis denuntiet se tunc vel tunc sessurum. Tunc, sedentibus et audientibus omnibus, thesaurarius, qui, sicut dictum est, ratione officii sibi videtur aduersari, querat si paratus est reddere compotum suum; quo respondente, 'Presto sum,' inferat thesaurarius, 'Dic igitur, in primis, si elemosine, si decime, si liberationes

5 ad presens se optulerint quia *C* quasi] etsi *N* 17 agenda] agendam *N* 25 recederit *N* 32 sicut] si cum *N* 33 aduersari] aduersarii *R* 34 suum *om.* *NR* thesaurarius] thesaurum *N*

constitute, si terre date, sic se habent hoc anno sicut in preterito?' Quod si similiter se habere responderit, tunc scriptor thesaurarii preteritum annalem rotulum diligenter in hiis constitutis scribendis sequatur, contuente simul thesaurario, 'ne forte manus scriptoris aberret'; et quia satis in titulo de officio scriptoris thesaurarii de ordine scripture dixisse me memini, hiis ad presens supersedeo.

Discipulus. Dic ergo, si placet, de hiis que iam dudum vsque ad agenda vicecomitis distulisti, quid scilicet sit quasdam terras a rege dari blancas quasdam numero. Hoc enim me sollicitauit ab initio.

Magister. Satis, vt credo, tibi constat ex predictis quid sit quasdam firmas solui blancas quasdam numero. Firma quidem blanca soluitur cum ipsa, facto examine, dealbatur. Quis insuper fuerit huius institutionis auctor et que instituendi ratio satis innotuit: porro firmam numero solui diximus cum tantum numerando non examinando de ipsa satisfit. Cum ergo rex fundum aliquem alicui contulerit simul cum hundredo, vel placitis que ex hoc proueniunt, dicunt fundum illum illi blancum collatum; at cum, retento sibi hundredo, per quod firma dealbari dicitur, simpliciter fundum dederit non determinans, 'cum hundredo' vel 'blancum,' numero datus dicitur. Oportet autem vt de fundo collato breue regis, vel cartam eius, in termino sancti Michaelis is, cui collatus est, ad scaccarium deferat, vt vicecomiti computetur; alioquin in magno annali rotulo non scribetur nec vicecomiti computabitur. Scribetur autem sic, post elemosinas et decimas et liberationes vtriusque generis constitutas, in capite linee 'In terris datis illi N. xx. libras bl. ibi et illi N. xx. libras numero ibi.' Aduerte etiam quod si forte inter terras datas inueneris 'illi vel illi x. libras bl.' vel 'numero ibi de prestito regis,' cum is, qui commodati vel prestiti beneficio gauisus est, fati debita soluerit, nisi per gratiam regis, non vxori, non liberis non alicui nomine

4 continente *N* 6 thesaurarii *om. R* 7 memini] initium *N* 8 *post* placet *add.* et *N* de hiis *om. R* 9 quod *N* 19 placito *N* 20 collocatum *C* 24 *post* fundo *add.* sibi *R* collota *N* 25 is *om. NR* 28 *post* liberationes *add.* in *R* 30 numero libras *C* Adverse *R* 32 ibi *om. N*

eius propter prestitum reclamandi locus relinquitur. Similiter, si dictum fuerit, ‘Illi x. quamdiu regi placuerit.’

Discipulus. Quid est quod dixisti ‘liberationes vtriusque generis’? vi

Magister. Liberationum quedam sunt indigentium cum ex solo caritatis intuitu ad victum et vestitum alicui a rege denarius diurnus, vel duo, vel plures constituuntur. Quedam vero sunt seruientium vt hec pro stipendiis suscipiant, quales sunt editui regii, tibicines, luporum comprehensores et huiusmodi. Hee sunt igitur diuersi generis liberationes, quia diuersis ex causis soluuntur, inter constituta tamen computantur. [Et nota quod, licet liberum sit regi quibuslibet indigentibus has liberationes conferre, ex antiqua tamen institutione solent hiis assignari qui in curia ministrantes, cum redditus non habeant, in corporum suorum inualitudinem decidunt et laboribus inutiles fiunt.] Hiis omnibus per ordinem annotatis, querit thesaurarius a vicecomite, ‘si quid expenderit de firma comitatus per breuia regis preter constituta.’ Tunc seriatim missa sibi regis breuia tradit clerico cancellarii, qui lecta in publicum eadem liberat thesaurario vt ipse, secundum formam in breuibus conceptam, in scripturam rotuli sui opportuna verba ministret. Ipse namque, sicut dictum est, prescribit et alii conscribentes ab eodem excipiunt. Hoc facto, ostendit vicecomes si quid expenderit non per breuia sed per constitutam scaccarii legem sibi computanda, qualia sunt liberationes probatorum regis et item ea que mittuntur in iustitiis et iudiciis explendis.

Aduerte autem iustitias hic vsualiter nuncupari prolati in aliquos iuris executiones, iudicia vero leges candentis ferri vel aque. Liberationes igitur probatorum hac ratione fiunt: propter innumeras regni huius diuitias et item propter innatam indigenis crapulam, quam semper comes libido sequitur, contingit in ipso frequentius furta fieri manifesta vel occulta, necnon et homicidia ac diuersorum generum scelera, addentibus stimulos mechis vt nichil non vii A

3 quod *om.* *R* 9 *post* sunt *add.* hoc est custodes domorum *N*
23 predictum *C* 30 iuris] viros *R*

audeant vel non attemptent, qui suis se consiliis subiecerunt. Cum autem a regiis ministris regni pacem excubantibus reus horum famosus aliquis comprehenditur, propter numerosam sceleratorum multitudinem, vt vel sic peruersis terra purgetur, consentiunt in hoc interdum iudices, quod si quis huiusmodi de se crimen confitens sceleris eiusdem consortes prouocare voluerit, et obiectum alii vel aliis crimen commisso duello probare valuerit, mortem quam meruit effugiat, et cum impunitate sui corporis exiens, regni tamen totius demereatur et abiuret ingressum. Quidam autem, conuentione cum iudicibus prius facta, licet obiecta probauerint non tamen immunes abscedunt, sed effugientes suspendium, vel aliud turpe genus mortis, quam de se confessi meruerint, mutilatione tamen membrorum puniti miserabile spectaculum fiunt in populo et temerarios ausus consimilium
B terribilibus compescunt exemplis. Quoniam igitur, obiecto et probato criminis eiusdem reatu, vitam sibi saluare potest, et item quia ad regis vtilitatem procul dubio fit quicquid ad regni pacem videtur accedere, regis probator dicitur. A die vero qua ad probationem suscipitur vsque ad expletum promissum, vel vsque quo defecerit, ad victualia de fisco percipit quaque die denarium vnum, qui vicecomiti per solam consuetudinem scaccarii computatur. Quod si probator ille iussus fuerit ad alia loca transferri, vt conuenientibus illic iudicibus, opportunius promissum expleat vel forte deficiens scelerum suorum penam condignam excipiat, solum id quod in vehiculis illuc conducendis et victualibus illi ministrandis per denarium diurnum inuenerit, vicecomiti computabitur per consuetudinem; cetera vero non, nisi per breue regis. Sunt preterea in quibusdam comitatibus plures qui, ratione fundorum suorum, in condempnatos vltrices manus mittunt vt alios suspendio, alios membrorum detruncatione, vel aliis modis, iuxta quantitatem perpetrati sceleris puniant. Sunt etiam quidam comitatus in quibus

4 sic] si *R* 5 in] et *R* 7 alii] alicui *C* 15 consimilium ausus *C* 16 Quoniam] Quod *N* 17 eiusdem criminis *N* 19 regni] regnem *N* 24 iussus] missus *R* 25 vel] vt *C* 27 illuc] illic *C* 28 per denarium diurnum *om.* *N* inuenit *R* 34 etiam] et *C*

sic condempnandi non nisi numerata de fisco pecunia puniuntur. Quicquid igitur ad hec iudicia vel iustitias effectui mancipandas detestabilis auaritie hominibus, qui hec pro sanguinis effusione suscipiunt, a vicecomite numeratur, per consuetudinem scaccarii sibi computatur, hoc est non per breue regis. Est et aliud quod per consuetudinem C
solam vicecomiti debeat computari. Cum regis thesaurus de loco in locum maiorum consideratione deferendus vehiculis et huiusmodi minoribus indiguerit, precipiente thesaurario vel camerariis vel seruientibus eorum ad hec missis, vicecomes de firma sua quod oportuerit inuenit et hoc ipsum vicecomiti sine breui computatur, perhibente tamen super hoc testimonium coram maioribus ipso thesaurario vel quolibet predictorum qui hec fieri mandauerit; et tunc dicetur in rotulo 'in hiis vel illis necessariis thesauri hoc vel illud per hunc vel illum.' Item si piscis regius, rumbus vel cetus vel alius huiusmodi comprehenditur, quod in hiis saliendis et aliis necessariis ministrandis a vicecomite mittitur, sine breui computatur. Item quod in excolendis dominicis vineis regis et hiis vindemiandis vel vasis et aliis necessariis ministrandis expenditur, sine breui per fidem vicecomitis computatur. De qua fide, si semel aut sepius et qualiter fiat, infra dicetur. Hec sunt igitur que ad presens nobis occurrunt vicecomiti per solam consuetudinem computanda: nunc de ceteris que ad compotum de corpore comitatus pertinent prosequamur.

Fit interdum vt precipiat rex vicecomiti per breue suum viii A
quod in castris firmandis, vel in edificiis et huiusmodi instruendis, de firma sua necessaria ministret, per visum duorum vel trium virorum, quorum nomina in ipso breui exprimuntur, et addat in fine verbum breue set computantibus necessarium, 'et computabitur tibi ad scaccarium.' Cum igitur ventum fuerit ad compotum vicecomitis, veniant simul qui electi sunt custodes operum et, fide in publica ab ipsis prestita quod secundum conscientiam suam ad regis vtilitatem in ipso opere nominata summa prouenerit, fiat

9 *post* precipiente *add.* et *R* 23 igitur sunt *C* 27 Fit] Sit *C* 28 *prius* in *om. R*

inde breue regis ad scaccarium sub testimonio presidentis et alterius quem preceperit in quo summa illa de qua testati sunt et item nomina custodum exprimantur; et tunc demum vicecomiti computabitur. Quod si per hec missa consummatum regis opus fuerit, primum illud breue de necessariis ministrandis, quod vicecomiti directum est, et hoc vltimum, quod ad scaccarium fit, in forulo marescalli de compotis factis recluduntur. Si quid autem restat de ipso opere faciendum, vicecomes quod sibi directum est breue vsque ad idem opus completum penes se reseruabit, vt hinc sit ei auctoritas operi perficiendo necessaria ministrare. Reliquum vero in forulo de quo dictum est, recludetur. Cum enim scribatur in annali 'in operatione illa c. libras' oportet consequenter apponi 'per breue regis et per visum horum N.' Quod si non extaret breue regis
B numerum ipsum et nomina custodum continens falsa videri posset scriptura rotuli dicentis 'per breue regis.'

Discipulus. In hoc verbo sic mihi satisfactum est vt hiis ad que requirenda iam ora laxaueram sponte supersedeam. Cum enim vicecomiti delatum sit breue regis de necessariis ad hoc vel ad illud opus inueniendis, et sit adiectum 'et computabitur tibi ad scaccarium' vel hoc 'Inueni de firma tua' quod eiusdem pene est auctoritatis, superfluum videbatur vt super alio breui sollicitus esset. Nec enim intelligebam quod in ipso breui numerus esset exprimendus vt sic in eodem verborum tenore autentico respondeat annali.

ix A *Magister.* Intellige similiter quod in scaccarii negotiis secus est quam in aliis. Dicitur enim in plerisque quod 'expressa nocent non expressa non nocent'; verum

'hic expressa iuuant et non expressa fatigant.'

Verbi gratia; si tenetur quis regi in c. et breue eius deferat ad scaccarium vt quietus sit de debito quod ei debet, addat etiam toto, et causam simul exprimat set non numerum, non propter hoc absoluetur, set magis per hoc dilationem vsque

2 et *om. N* quo] qua *N* 4 vicecomiti *om. R* missa *om. R* 15 horum *om. C* non *om. N* 28 Intelligite *R* 30, 31 nocent non . . . hic expressa *om. R* 30 non expressa non nocent *om. C*

ad aliam summonitionem promerebitur. Oporteret enim scribi in rotulo 'in perdonis per breue regis illi N. c. libras,' set quia non videtur omnino dimissum quod nondum est in breui expressum, cogetur is multo labore querere per quod mereatur absolui. Ergo in hiis 'non expressa fatigant.'

Discipulus. Salua sit reuerentia presidentis et assidentium, hic non videtur per omnia regis mandato satisfactum. Nec enim quietus est quem quietum esse mandauit, addens etiam causam pro qua sibi tenebatur.

Magister. Immo salua sit in hiis scrupulose mentis tue subtilitas: nosse quidem debueras quod ei qui lege plurimum indiget eius ignorantia non subuenit. Is ergo qui regi tenetur qualiter ab hoc absolui plene possit, hoc est secundum legem de hiis constitutam, diligenter inquirat. Quod si non fecerit, non presidenti set sibi imputet. Nec enim licet presidenti ab eo, quod detulit in breui, iota
B
mutare. Cum ergo per hoc quietus non sit, festinet quod expedit impetrare.

Discipulus. Cerno quod hec maxime propter hoc obseruantur vt scripture rotuli non obloquantur. Set iam nunc prosequere de ceteris.

Magister. Cum igitur omnia fuerint annotata que vel constituta sunt, vel per breuia regis vel per consuetudinem scaccarii computanda, sic compotus velut infectus relinquitur et ad alia conuertuntur. Nec enim 'et quietus est' vel 'et debet' in annali scribetur, per que scilicet compotus consummatus dicitur, donec de omnibus que in summonitione continentur satisfecerit. Cuius rei causa satis ex consequentibus liquere poterit. Post compotum de corpore comitatus, hoc est de principali firma, qui sicut predictum est vsque in finem infectus relinquitur, post modicum interstitium ponitur compotus de veteri firma comitatus: hoc est que casu aliquo de anno preterito remanserat, ita tamen si vicecomes qui tunc ministrauit mutatus fuerit. Quod si idem perseuerat etiam hoc anno, de veteri firma ante inchoatum compotum de noua satisfaciet; et diligenter

1 oportet *C* 5 non in hiis *C* 19 hec et *R* 26 debet] deberet *C* scribetur] scribi *C* 29 possit *C* 30 qui] que *R*

ac distincte scribetur 'de veteri' in principio et consequenter 'de noua.' Ad hec noueris mutatum vicecomitem de firma veteri summonendum sicut quemlibet aliorum debitorum, non de parte eius set de vniuerso quia firma est cuius solutio differri non debet; set debitum firme veteris, quo tenetur is qui adhuc ministrat, sufficit sub hoc pretextu verborum summonuisse 'quicquid debes de veteri firma et noua' de quo satis supradictum est [in titulo de summonitionibus]. X A Post hec autem, facto interuallo quasi vi. linearum, sequitur compotus de excidentibus et occupatis quod nos vsitatius dicimus de propresturis et eschaetis. In medio quidem linee fit prenotatio litteris capitalibus, DE PROPRESTURIS ET ESCAETIS; in capite vero inferioris sic scribitur, 'Idem vicecomes reddit compotum de firma propresturarum et escaetarum, scilicet de x. libris de hoc et xx. libris de illo,' et ita deinceps sicut ex rotulo perlustrantium iudicum ante conceptum est in annali, 'summa c. libre.' Dehinc in fine eiusdem linee, vbi summa est, scribitur 'In thesauro xx. libras in tot taleis et debet quater xx. libras' vel 'In thesauro liberauit et quietus est.' Horum autem scribendorum ordinem magis oculata fide quam verborum quantalibet argumentosa descriptione cognosces.

Discipulus. Que sint hec excidentia vel occupata et qua ratione fisco proueniant nisi plenius aperueris non video.

Magister. Fit interdum per negligentiam vicecomitis vel eius ministrorum, vel etiam per continuatam in longa tempora bellicam tempestatem, vt habitantes prope fundos qui corone annominantur aliquam eorum portionem sibi vsurpent et suis possessionibus ascribant. Cum autem perlustrantes iudices per sacramentum legittimorum virorum hec deprehenderint, seorsum a firma comitatus appreciantur B et vicecomitibus traduntur vt de eisdem seorsum respondeant; et hec dicimus 'propresturas' vel 'occupata.' Que quidem cum deprehenduntur, a possessoribus, sicut pre-

2 noua *Madox*: novo *CNR* 8 quo] qua *N* 17 conceptum] scriptum *C* 20 quater] quantum *N* 22 cognoscis *C* 23 sunt *C* 28 aliqua *N* 31 hec *om. C* comitatus] comitantur *R* appreciantur *om. R* 34 cum] dum *R* comprehenduntur *R*

dictum est, tolluntur, et abhinc fisco cedunt. Verum si is a quo tollitur occupatum, auctor est facti, simul etiam, nisi rex ei pepercerit, pecuniariter grauissime punietur. Quod si non auctor set heres auctoris fuerit, ad penam sufficit fundi eiusdem sola reuocatio. Ex quo sane, sicut ex aliis pluribus, regis misericordia comprobatur, dum patris tam enormis excessus non punitur in filio, qui vsque ad factam inquisitionem publice potestatis iactura ditabatur. Porro eschaete vulgo dicuntur que, decedentibus hiis qui de rege tenent in capite, cum non extet ratione sanguinis heres, ad fiscum relabuntur. De hiis autem simul cum propresturis compoti fiunt sub vna scripture serie, sic tamen vt singulorum nomina per ordinem exprimantur. At cum paterfamilias miles, vel seruiens, de rege tenens in capite fati debita soluerit, relictis tamen liberis quorum primogenitus minor est annis, redditus quidem eius ad fiscum redeunt; sed huiusmodi non simpliciter 'escaeta' dicitur set 'escaeta cum herede.' Vnde nec heres ab hereditate, nec ab ipso hereditas tollitur, set simul cum hereditate sub regis custodia constitutus, tempore pupillaris etatis de ipsa hereditate per regios officiales tam ipse quam ceteri liberi necessaria percipiunt; cetera vero, que de ipsa proueniunt, C regiis vsibus cedunt. De hiis autem seorsum compoti fiunt, quia non perpetuo set quodam temporali iure fisco debentur. Cum enim heres, nunc minor, legittime etatis adeptus beneficia sibi suisque disponere nouerit, quod iure sibi paterno debetur, a regia munificentia suscipiet, quidam gratis, per solam scilicet gratiam principis, quidam promissa summa aliqua, de qua cum compotus fiet, dicetur in annali 'Ille vel ille reddit compotum de c. libris de releuio terre patris sui. In thesauro hoc et debet hoc.' De hoc autem vltra in annali compotus non fiet cum ad fiscum post hoc non redeat. Verum dum in manu regis est de hoc sic scribetur in annali. 'Ille vicecomes reddit compotum de firma illius honoris,' si scilicet baronia est, 'In thesauro hoc: Et in

5 eiusdem] eius *C* 8 detrahatur *C*: ditabatur *C corr.* 9 hiis] is *N* 12 serie *om. R* 18 herede. Vnde nec heres *om. R* 19 set *om. CR* 30 terre *om. C* 35 si *om. N*

procuratione liberorum illius hoc per breue regis' quod ibi ad scaccarium per consuetudinem fiet. 'Et debet hoc' vel 'Et quietus est.' Quod si minor est possessio hec, vt sit fundus vnus vel duo vel tres, sic dicetur. 'Ille vicecomes,' vel 'ille N.' cui forte rex eiusdem rei custodiam deputauit, 'reddit compotum de firma terre illius N. que fuit illius N. quam rex habet in manu sua' vel 'que est in manu regis cum herede. In thesauro hoc: Et debet hoc' vel 'Et quietus est.' Attende preterea quod honor ille vel fundus, dum in manu regis cum herede fuerit, omnes elemosine D et liberationes indigentium a prioribus dominis solo caritatis intuitu constitute, hiis, quibus debentur, cum integritate soluuntur et ad scaccarium custodi computantur. Liberationes vero seruientium, qui dominis suis ad explenda quelibet obsequia necessarii visi sunt, et ob hoc constituuntur, dum rex possidet, voluntariam habent solutionem. Cum autem in manu heredis deuoluta fuerit hereditas, oportet eum patris inherere vestigiis, vt scilicet quoadusque vixerint hii quibus hec a patre suo constituta sunt, vita comite percipienda illis satisfaciat; et post hec, si voluerit, eorum vtatur vel non vtatur obsequiis.

Discipulus. Dixisti, si bene memini, quod si quilibet de rege tenens in capite decedens minorem annis heredem reliquerit, tandem idem relictus, post legittime etatis tempora, quidam gratis, quidam promissa pecunia, quod sibi debetur a rege suscipit: quod autem sic soluitur 'releuium' dicis. Dic ergo si cuiuslibet fundi, qui de rege est in capite, releuium sub consimili summa debeat exigi, vel si sub dissimili quare sic.

Magister. In propriam te videor armasse perniciem; ex predictis enim alia coniciens armatis me vexas questionibus. Noueris autem quod releuiorum que regi debentur, secundum dissimiles possidentium status, dissimilis summa consurgit. Quidam enim de rege tenent in capite que ad E coronam pertinent, baronias scilicet maiores seu minores. Si ergo pater possessor huiusmodi mortuus fuerit, relicto

4 tres] iiii^{or} *C* 13 et *om. R* 20 satisfacias *R* 21 vel non vtatur *om. N* 31 conicies *N*

herede qui iam adultus sit, non secundum constitutam de hiis summam regi satisfaciet set secundum quod a rege poterit optinere. Quod si minor etate fuerit heres in custodia constitutus legittimam etatem prestolabitur; tunc autem vel gratis, sicut dictum est, vel secundum beneplacitum regis, sicut adultus hereditatem paternam nanciscetur. Si vero decesserit quis tenens tunc de rege feodum militis, non quidem ratione corone regie, set potius ratione baronie cuiuslibet, que quouis casu in manum regis delapsa est, sicut est episcopatus vacante sede, heres iam defuncti, si adultus est, pro feodo militis c. solidos numerabit, pro duobus x. libras, et ita deinceps, iuxta numerum militum, quos domino debuerat antequam ad fiscum deuoluta foret hereditas. Quod si minor annis heres relictus fuerit, que de hereditate eius proueniunt, ratione custodie tempore pupillaris etatis fisco prouenient, sicut dictum est. Relictus autem a patre iam adultus pro singulis feodis militum c. solidos soluet, vel etiam infra; hoc est l. solidos si dimidii militis feodum possederit et sic deinceps. Nec te lateat quod eius quem in custodia per aliquot annos habueris et possessionis eius fructum, cum ad etatem legittimam peruenerit, releuium repetere non valebis.

Discipulus. In hac parte pro pupillis lex iudicat et quod F
piis mentibus bene sedet, decernit.

Magister. Sic est, set de propositis prosequamur. Item est et tertium genus excidentium vel escaetarum quod fisco prouenit iure perpetuo. Cum aliquis de rege tenens in capite, perpetrati sceleris sibi conscius, siue sit ei obiectum siue non, relictis tamen omnibus per fugam vite consulit, vel si super eodem obiecto conuictus vel confessus, terra simul et vita iudicatur indignus; omnia, que sui iuris fuerant, mox infiscantur et redditus omnes annuo immo et perpetuo iure ad scaccarium a vicecomite persoluuntur, et quod ex mobilibus eorum venditis prouenit, regi cedit.

10 *prius* est *om. N* 13 dominus *C* 13, 14 foret hereditas . . . relictus *om. N* 17 autem *om. R* 18 *prius* solidos *om. NR* si] set *N* 21 furtum *R* 22 peruenit *R* 23 et *om. R* 26 et tertium] interdum *R* 29 non *om. R* 34 regi cedit *om. N*

Similiter si cuiuscunque conditionis vir, vel cuiuscunque domini seruus, aut liber, metu arctioris assise quam rex propter sceleratos constituit, a sede sua fugerit, et per constitutos ac lege diffinitos terminos iuri se non optulerit vel excusauerit, vel etiam si, acclamante in ipsum vicinia, suspectus et postmodum comprehensus per legem assise constitutam reus sceleris conuictus fuerit, omnia eius mobilia fisco cedunt, immobilia vero dominis suis. Mobilium vero pretia per manum vicecomitis ad scaccarium deferuntur et in annali sic annotantur, 'Ille vicecomes reddit compotum de catallis fugitiuorum vel mutilatorum per assisam, de loco G illo N. scilicet de hoc v. de illo x.' et sic deinceps per singula capita, expressis eorum nominibus et summis que de catallis singulorum exurgunt. Fiet autem in fine summa omnium, et circa finem eiusdem linee, in qua summa est, scribetur 'In thesauro xl. libre in tot vel tot taleis et debet x. libras' vel 'Et quietus est.' Hec sunt, frater, quorum supra meminimus, que ad scaccarium a vicecomite deferenda et soluenda sunt, etiam si summonitio nulla precesserit. Sic et thesaurus, effossa tellure vel aliter inuentus. Item cum quis laicum fundum habens vel ciuis etiam publicis inseruit vsuris, si hic intestatus decesserit, vel etiam hiis quos defraudauit non satisfaciens testamentum de praue adquisitis visus est condidisse, set eadem non distribuit immo penes se reseruauit, quia sic perquisitis incumbens animum possidendi deseruisse non creditur, pecunia eius et omnia mobilia mox infiscantur et non summonita per officiales ad scaccarium deferuntur. Heres autem iam defuncti fundo paterno et eius immobilibus sibi vix relictis gaudeat.

Discipulus. Ex premissis que de feneratoribus dicta sunt questio grauis animum pulsat quam vellem, si placet, plenius expediri. Dixisti enim 'cum quis laicum fundum habens vel etiam ciuis publicis inseruit vsuris' et cetera.

1 conditionis . . . cuiuscunque *om. R* 4 terminos *om. R* 9 deferuntur] referuntur *C* 12 illo *om. R* v. *om. C* *post* v. *add.* et *C* 16 vel tot *om. C* 17 vel *om. N* frater] super *R* 19 et soluenda *om. R* 21 ciuis *Madox*: quis *CNR* etiam] et *C* 22 hiis] is *R* 32 grauius *C* 34 ciuis] quis *C*

Ex quibus verbis personarum quedam distinctio inter sic delinquentes fieri posse videtur, vt alia sit clericorum, alia laicorum, condicio, cum pares sint in delicto. Item ex II
eo quod additur 'publicis inseruit vsuris' credi potest, esse quasdam non publicas quibus si quis adheserit, an legi publicarum subiaceat prorsus ignoro.

Magister. Frustra credidi breuibus et communibus tibi satisfaciendum, cum ex huiusmodi questionem elicias cuius absolutio peritorum quosdam hucusque latuit. Verum quod dicis, 'ex verbis tuis clericorum et laicorum sic delinquentium videtur esse dispar condicio, cum pares sint in delicto,' non approbo. Sicut enim in gradibus, sic et in culpis dissident, iuxta verbum illud 'quanto gradus altior, tanto casus grauior.' In bonis etiam et meritoriis operibus, vt quibusdam visum est, dispares sunt. Laici enim, qui voti necessitate minus tenentur, ampliorem gratiam promereri videntur, sicut in peruersis actibus hii, qui voto religionis inseruiunt, grauius offendunt. Set de hiis hactenus. Habes autem ex precedentibus vnde tue questionis pars prima valeat absolui. Ex eo enim quod clericus vsuris inseruiens dignitatis sue priuilegium demeretur, parem laico sic delinquenti penam sibi mercatur, vt, ipso videlicet de medio sublato, omnia eius mobilia fisco debeantur. Ceterum sicut a prudentibus accepimus, in sic delinquentem clericum vel laicum Christianum, regia
potestas actionem non habet, dum vita comes fuerit, superest I
enim penitentie tempus; set magis ecclesiastico iudicio reseruatur pro sui status qualitate condempnandus. Cum autem fati munus expleuerit, sua omnia, ecclesia non reclamante, regi cedunt, nisi, sicut dictum est, vita comite digne penituerit et, testamento condito, que legare decreuerit, a se prorsus alienauerit. Restat itaque vt quas 'publicas' dicamus 'vsuras' et quas 'non publicas' expediamus, deinde, si pari lege teneantur qui in vtrisque

1 *post* distinctio *add.* quod *R* sic] se *C* 2 videtur] videre *R* 3 in] cum *R* 6 subiacent *N* 8 eicias *C* 11 dispar *om. R* 13 quanto] quanta *NR* 14 et *om. N* meritoriis *om. C* 20 enim *om. C* 22 sic] suo *R* mereatur *N* 24 sicut] sic *N* in *om. R* 26 fuerit] fiunt *R* 27 tempus *om. C* 33 *posterius* publicas *om. R* 34 in *om. R*

delinquunt. Publicas igitur et vsitatas vsuras dicimus quando, more Iudeorum, in eadem specie ex conuentione quis amplius percepturus est, quam commodauit, sicut libram pro marca vel pro libra argenti ii. denarios in septimanam de lucro preter sortem. Non publicas autem set tamen dampnabiles cum quis fundum aliquem vel ecclesiam pro commodato suscipit et, manente sortis integritate, fructus eius, donec sors ipsa soluta fuerit, sibi percipit. Hoc genus, propter laborem et sumptum qui in agriculturis solent impendi, licentius visum est; set proculdubio sordidum est et inter vsuras merito computandum. Quod si creditor auarus et in ruinam anime sue pronus in scripto sic exprimi dignum duxerit vt dicatur 'Notum sit omnibus quod ego N. debeo N. c. marcas argenti et pro hiis c. marcis inuadiaui ei terram illam pro x. libris quousque ego, vel heres meus, soluam ipsi, vel heredi suo, predictas c. marcas'; cum post mortem creditoris ad regis vel principalis iustitiarii notitiam huius famose carte tenor peruenerit, in primis fedus fenoris questus condempnabitur, et creditor, scripto suo deprehensus fenerator, mobilibus suis indignus iudicabitur. Quod si is cuius fundus est a rege quomodolibet optinuerit vt sic distractus sibi restituatur, in sorte tota domino regi tenebitur etiam si creditor per biennium vel amplius possederit. Regis tamen munificentia de summa sortis illius taxare consueuit, maxime propter singularis gratie munus, in quo fidelibus suis debito prelationis tenetur; et item quia creditoris, set feneratoris, qui sui fidelis enormi iactura ditatus fuerat, ratione publice potestatis bona omnia percepturus est. Sunt et pleraque alia, que singulariter ad fiscum pertinent, que non facile sub vna scripture serie redigi possunt, quia non constituta set casualia sunt. De hiis tamen excidentibus huius tertii generis non supra post firmas, set infra post omnia placita, compoti fiunt ante catalla fugitiuorum, vt ipsa quoque

1 igitur dicimus vsuras *C* 5 Non] nunc *N* 8 fuerit] fiunt *R* 10 expendi *C* 11 merito *om. R* computandum merito *N* 12 ruine *N* 21 iudicabitur *om. R* 26 singularis propter *N* 28 fideli *N*: fidelibus *R* 29 pleraque] pluraque *NC*

locorum positione videantur pro enormibus culpis delinquentium ad fiscum pertinentia.

Discipulus. Miror super hiis que dixisti. Nec enim cum prioribus stare posse videntur. Cum enim ascriptitiorum dominis liberum sit, non solum illos transferre verum etiam quibuscunque modis distrahere, sicut supra dictum est, et non tantum catallorum set et corporum merito domini reputentur, mirandum est cum dominus rerum et K hominis rei nil delinquat in legem quare possessione sua priuetur. Videri enim iustum posset vt regis constitutio in personam delinquentis puniret excessum, mobilia vero cum ipsis fundis in vsus dominorum cederent.

Magister. Mouet te quod me mouit. Verum in hiis longam fieri moram superfluum credo, cum ab inceptis negotiis aliena sint. Vt tamen tibi satisfiat propter solam regis assisam sic esse cognoscas. Nec enim est qui regie constitutioni, que pro bono pacis fit, obuiare presumat. Quod si dominis catalla suorum per assisam condempnatorum prouenirent, forte (quia cupiditatis humane fervida sitis in medio posita est) propter modicum questum quidam in necem suorum etiam innocentium grassarentur. Eapropter rex ipse cui generalis est et a deo credita cura subditorum, hec ita decreuit vt sic rei legi satisfacientes corpore puniantur et retentis sibi ipsi mobilibus, domesticis hostibus, hoc est dominis suis, non exponantur. Verum, sicut iam diximus, sola regis constitutio, vrgente necessitate, pro bono pacis facta huius questionis principalis solutio est.

Discipulus. Video quod non sine causa fit: nunc si placet prosequere. Verum restat in precedentibus quiddam quod vellem altius, si placet, expediri. Dixisti enim quod fugitiuorum et mutilatorum per assisam mobilia non sum- L monita ad scaccarium deferuntur et in annali suo loco scribuntur. Quid autem de predonum vel furum catallis

3 Nec] Non *R* 5 non] in *R* 7 *posterius* et *om. R* 13 Mouit] movet *N* 16 est *om. C* 18 damnatorum *C* 21 necesse *R*: neccem *N* 23 legis *R* 26 institutio *NR* 31 si placet altius *C* 32 et *om. R* 34 furum] finium *R*

fieri debeat non dixisti, si scilicet ad regem pertineant vel cui de iure cedere debeant.

Magister. Predonum, qui et fures manifesti dicuntur, et latenter furantium, condicio dissimilis est. Porro tam horum quam illorum duo sunt genera ex quorum singulis catalla diuersis diuerso modo proueniunt. Predonum quidem, sicut et furum, quidam exleges sunt quos vsitatius vthlagatos dicimus, quidam non. Vthlagati vero vel exleges fiunt quando legittime citati non comparent et per legittimos et constitutos terminos expectantur, et etiam requiruntur, nec iuri se offerunt. Horum itaque catalla, sicut et vita, in manibus comprehendentium ipsos esse noscuntur, nec ad regem pertinere qualibet ratione possunt. Predonum autem bona qui nondum in hanc miserie summam delapsi sunt, si comprehenduntur, ad fiscum proueniunt; furum autem ad vicecomitem sub quo deprehensi et puniti sunt. Quod si vicecomes furis causam ad curiam deduci dignam duxerit, vt ibi iudicetur, nil ipsi set totum regi debetur quod fur ille possederit. Si vero furem proprium quis insecutus fuerit et in prima curia domini regis vel etiam in comitatu ipsum comprehenderit et reum furti, adiudicata M lege, probauerit, de catallis furis, si ad id suffecerint, ablata vero primum leso restituentur, precedente, si placet domini regis iustitiario, de summa ablatorum fide eius qui petit, vel sacramento; postmodum autem, ex prouida studiosorum pacis institutione, idem de bonis furis tantundem accepturus est in laboris et sumptus sui solatium quantum prius dolo furis amiserat. Hec autem duplex et prudenter procurata solutio ab antiquis 'solta et persolta,' vel 'prosolta,' non inmerito dicta est. Primo enim, quod ablatum fuerat, ei soluitur et ob hoc 'solta' dicitur. Deinceps pro laboris

3 Predones *C* qui] igitur *C* 4 furantium condicio *om. R* 6 diuerso] diuersa *R* 7 sicut et *om. R* 11 itaque] vterque *R* 17 curiam *om. R* 18 iudicetur] videatur *N* ipsis *R* 19 possiderit *N* proprium] suum *C* 19, 20 proprium . . . curia *om. R* 20 curia prima *N* 21 ipsum vt ibi comprehendunt *R* 22 sufficerent *C*: suffecerit *R* 23 vero *om. R* vero primum] prenouit *C* 24 ablatorum] oblatorum *N* 27 est] et *R* 29 solita et persolita vel prosolita *C* 31 solita *C*

et sumptus impendio quod addicitur, 'pro-' vel 'persolta' nuncupatur. Hiis in hunc modum expletis, quod fuerit in bonis rei residuum, fisco proueniet.

Discipulus. Et hec necessaria visa sunt. Set nunc iuxta promissum de censu nemorum si placet prosequere.

Magister. Gratulor quod te tam dictorum virtutem quam dicendorum ordinem memoriter tenuisse conspicio. Superest igitur vt votis tuis satisfacere pro viribus non omittam.

xi Post compotum propresturarum et escaetarum sequitur compotus de censu nemorum, breuis satis et expeditus, sub hoc tenore verborum 'Idem vicecomes' vel 'ille alius N. reddit compotum de xx. libris de censu illius nemoris vel foreste de Norhantescira. In thesauro liberauit et quietus est.' Sunt tamen quedam foreste de quibus decime constitutorum censuum ecclesiis maioribus soluuntur, sicut de Wiltescira et de Hantescira ecclesie Saresberiensi, de Norhantescira vero Lincolniensi, cuius solutionis causam sic accepi; quod enim de forestis soluitur pene totum, vel eius maxima pars, ex placitis et exactionibus prouenit; sic igitur per datas decimas illiciti questus vtcunque redimi posse visi sunt. De hiis autem sic compoti fiunt. 'Ille vel ille reddit compotum de xx. libris de censu foreste illius. In thesauro xviii libras' et in capite proxime linee inferioris sic 'Et in decimis constitutis illi ecclesie xl. solidos.' Deinde in fine eiusdem linee paulo seorsum ab alia scriptura sic 'Et quietus est.' Intellige etiam semel tibi dictum quod omnia debita, et item ea, que in thesauro soluta fuerint, seorsum ab alia scriptura collocanda sunt vt vianti animo et discurrenti oculo facilius occurrant; quoniam ex soluendis summonitiones, et ex iam solutis absolutiones fiunt.

Post diligentem firme principalis veteris siue noue compotum et item post compotum propresturarum et escaetarum et census nemorum, que omnia, sicut dictum est, annuo iure

1 persoleta *R*: persolita *C* 2 fuerit *scripsimus*: fiunt *CNR* 5 memorum *R* 6 ductum *N*: dictuum *R* 10 et *om. C* 13 Norhamtescira *R*: Northamtescira *N* 16, 17 et de ... Norhantescira *om. R* 16 Hamtescira *N* 17 vero *om. C* 19 pars] paris *N* 27 *post* omnia *add.* supposita scriptori *R sed corr.* 28 collocata *R* sunt *om. R* 32 item] idem *R* presturarum *R*

soluuntur, sequitur compotus de placitis et conuentionibus, in quo primum post modicum interuallum in medio linee prenotatio fit, quorum scilicet iudicum hec sint.

xii

A Placita autem dicimus penas pecuniarias in quas incidunt delinquentes, conuentiones vero oblata spontanea. Cum ergo de hiis instat exactio, tunc primum clerico cancellarii traditur summonitio, qui seriatim de singulis vrget vicecomitem, dicens ‘Redde de illo x. pro hac causa’; quod si in thesauro soluerit quod requiritur, sic scribetur in annali ‘N. reddit compotum de x. libris pro hac causa’ et ex ordine tota redigatur in scriptum ‘In thesauro liberauit et quietus est.’ Si vero per breue regis quietus est, vt, sicut diximus, numerus exprimatur in breui, dicetur ‘N. reddit compotum de x. libris’ et addat causam: deinde paulo inferius in ipsa linea ‘In perdonis per breue regis ipsi N. x. libre. Et quietus est.’ Quod si de c. summonitus sit, cum tamen summa debiti sit in annali x. libre, et c. soluerit in denariis, vel de c. breue regis impetrauerit, dicetur ‘N. reddit compotum de x. libris. In thesauro c. solidos et debet c. solidos’ vel ‘In perdonis per breue regis ipsi N. c. solidos et debet c. solidos.’ Et nota quod in omnibus compotis de placitis et conuentionibus singuli pro se respondebunt, vt scilicet onus debiti, si non satisfecerit, vel absolutionem, si vniuersum soluerit, suo nomine suscipiant, exceptis communibus assisis et danegeldis et murdris. De hiis enim vicecomes compotum reddit et super hiis ipse vel quietus in annali scribitur vel in debito. Quod si mutatus fuerit vicecomes, nichilominus is, qui succedit ei, de eisdem re-
B spondebit et de illis summonebitur, et, nisi satisfecerit, per firmam, quam soluturus est, coercendus est. Quisquis enim in onus eiusdem officii mutato succedit vicecomiti, ab ipso suscipit rescripta debitorum regis in ipso comitatu, vt per hec nosse valeat a quibus que debeant requiri, cum summonitionem ad se delatam susceperit. Ad vicecomitem

9 soluerit] soluitur *N* 15 In perdonis *om.* *N* *post* ipsi *add.* enim *C* 17 debiti] debita *R* in] et *R* 20 breue] breui *R* 24 soluerint *N* 26, 27 in annali quietus *C* 29 illis] his *R*: eis *N* 30 soliturus *N* 32 rescriptam *N*

ergo spectat compotus communium ad quem solum pertinet cohercio singulorum; et, qui vicecomes fuerit dum compotus fit, vel quietus vel in debito hac ratione scribetur.

Discipulus. Teneo memoriter quid fieri debeat cum quis super aliquo debito summonitus breue regis detulerit quod numerum qui requiritur exprimat. Quod si regis cartam de quietantia rerum eiusdem generis ad scaccarium deferat, vt sic dicatur 'Volo igitur vt hec omnia teneat libere et quiete de placitis et murdris et hiis et hiis,' et huiusmodi, numquid in perdonis erit?

Magister. Erit re vera; sed non dicetur 'In perdonis per cartam regis' vel 'per libertatem carte hoc vel illud,' immo 'per breue regis.' Quod si carta quidem non specificans sic contineat 'libere et quiete ab omni exactione et seculari seruitio predicta possideat,' non tamen ab hiis, que requiruntur, per hoc quietus erit, vel in perdonis scribetur; nolunt enim qui assident, speciali debito per gene- C
ralem absolutionem derogari.

Discipulus. Perniciosa satis est ista subtilitas; qui enim a generibus singulorum liber est, etiam a singulis generum meretur absolui.

Magister. Verum est quod dicis neque nos dissentimus. Set tamen quid fiat dicimus, non quid forte fieri debeat. Igitur cum de omnibus hiis que in summonitione continentur vel per numeratam pecuniam, vel per breuia regis, satisfactum fuerit, hac lege scripture que supra dicta est semper vtendum est. Verum cum non soluerit aliquis vniuersum, quod ab ipso requiritur, set partem eius vel forte nihil, causa statim a vicecomite requirenda est, cur is soluendo non fuerit. Quod si responderit vicecomes quesisse se diligenter eius de quo agitur nec catalla inuenire potuisse, inferet thesaurarius, 'Caue tibi, nam huius rei fidem, scilicet quesisse te nec inuenire potuisse per quod satisfieri posset, fide corporaliter prestita confirmabis' quo respondente 'Presto sum' in consummatum compotum fidei susceptio differetur vt super multis

2 qui] quia *C* 3 *post* quietus *add.* est *C* 11 sed] si *C* 16 que] qui *N* 20 etiam] et *NR* 27 cum] enim *C* 34 sati fieri *R*

consimilibus semel data sufficiat. De hac tamen fide iam circa initia plura dicta sunt et restant aliqua suo loco dicenda.

xiii A Porro hic primum distinguendum est circa debitores et debita vt in quibus fides oblata locum habeat, et in quibus non, tibi constet; si enim miles vel liber alius aut ascriptitius vel quelibet huiusmodi cuiuscunque condicionis aut sexus persona, regi tenetur in quouis debito, quod quidem pena sit pro excessu non oblatum spontaneum, fide illa vicecomitis oblata et in fine suscipienda contentus erit thesaurarius, et iterato scribetur debitor in hoc annali sicut in preterito vir vel mulier, cuius actio per inopiam inanis facta est. Verum secus est, si debitor ille, de quo queritur, ciuis est vel burgensis, si scilicet genere ciuis sit vel, facta sibi necessitate, commorantium ciuium legibus sponte se subiecerit. Non enim sufficit vicecomiti quod horum, si qui de requisita summa non satisfaciunt, mobilia tantum soluat vel quesisse se nec inuenisse fidem offerat, vt sic ad scaccarium liberetur, nisi eorum et domos et fundos et quoslibet vrbium redditus infiscet et penes alios collocet, vt vel sic debita regi pecunia proueniat; quod si non inueniantur qui suscipiant, parcentibus sibi inuicem eiusdem condicionis hominibus, domos eorum seris obstruat et fundos diligenter excoli faciat. Si vero interim hii soluerint que requiruntur, ad proprietarios ipsos per manum vicecomitis sine molestia, que sui iuris sunt, reddentur.

Discipulus. Mirari satis non possum vbi culpa dispar
B non est

'cur genus hoc hominum grauius lex nostra coercet.'

Magister. Maxima pars possessionis eorum qui fundos habent et per agriculturam sustentantur in pecudibus, in animalibus et in frugibus est et item in hiis que non facile cohabitantium notitiam possunt effugere. At hiis, qui mercimoniis inseruiunt, et qui parcentes sumptibus, multiplicandis possessionibus totis viribus et modis omnibus

6 aut] vel *NR* 7 quelibet] quilibet *C* 14 sit ciuis *C* 19 *prius* et *om. C* 33 qui *om. C* 34 parentes *RC*

insistunt, in numeratam pecuniam sollicitior cura consistit. Per hec enim commercia facilius exercentur et possunt hec in locis tutis et ignotis facile reponi; vnde fit vt sepe qui diues est, non patentibus hiis que latent, pauper reputetur. Propter hoc igitur in hos grauius lex ista decernit quia superhabundans pecuniarum puteus non de facili videtur exhaustus.

Discipulus. Quid assisa communis et quis, vel quo ordine, de ipsa respondeat ex predictis magna pro parte iam constat; nunc, si placet, de auxiliis vel donis ciuitatum seu burgorum, qualiter ex hiis compoti fiant et qui principaliter conueniendi vel cohercendi super hiis fuerint, edissere; modus enim cohercionis ex predictis iam patet.

Magister. Gaudeo te memorem predictorum et hinc, fateor, me magis animasti. Noueris itaque quod plurimum interest si donum, vel auxilium, ciuitatis per singula capita commorantium in ea a iustitiis constituatur, vel si ciues C summam aliquam, que principe digna videatur, iustitiariis offerant et ab eis suscipiatur. Dispar enim in hiis duobus modus est cohercionis. Si enim per singulos a iudicibus constitutum est donum et quilibet eorum soluendo non fuerit, lex predicta de ciuibus non soluentibus seruatur, vt scilicet domibus et redditibus vsque ad solutionem priuetur. At si dictum est a ciuibus 'Dabimus regi mille' et hec summa digna suscipi iudicetur, vt statutis terminis eadem exurgat, ipsi prouideant. Quod si forte excusare ceperint, allegantes quorundam inopiam, qui in aliqua parte summe huius tenebantur, tunc diligenter, hoc est per fidem vicecomitis, inquirendum est, si a tempore constituti per eosdem ciues doni vel auxilii hii tales extiterint vt soluere non valerent. Quod si inuentum fuerit, prouideant alios ex quibus summa prior exurgat, vel per commune distribuatur quod restat; verum, si tempore constitutionis abundabant set lege fortune natura mobilis nunc egeant, sustinendum est de hiis quousque per dei gratiam ditentur.

1 sollicior *N* 8 pro parte magna *C* 9, 10 de donis ciuitatum vel de auxiliis burgorum et qualiter *C* 18 suscipiat *R* 21 fuit *C* soluendis *C* 23 est *om. R* 24 iudicetur suscipi *C* 25 expurgat *C* 26 corundam *R* 30 prouideat *R* 31 communem *N* 33 set . . . egeant *om. N*

Discipulus. Cerno quod in omnibus modum seruantes semper regiis commodis inheretis.

Magister. Memoriter tenes quid de ciuibus vel burgensibus non soluentibus sit agendum. Quod si forte miles D aliquis vel liber alius a sui status dignitate, quod absit, degenerans multiplicandis denariis per publica mercimonia, vel per turpissimum genus questus, quod est per fenus, institerit et exacta sponte non soluerit, non per fidem tantum de non inuentis vicecomes absoluetur, verum, cum hec presidenti suggesserit, districtum ab ipso mandatum suscipiet vt de summa, que ab illo requiritur, statutis terminis soluenda fideiussores inueniat; quod si noluerit, omnes eius redditus infiscentur, vt in hac parte merito fiat

'hiis similis qui multiplicant quocunque modo rem.'

Discipulus. Dignum re vera est vt a statu suo pro turpi questu recedens, degener miles vel liber alius preter communem liberorum legem puniatur. Set iam nunc, si placet, edissere que sunt, que pro catallis eius, qui regi tenetur, debeant imputari; et vtrum ab omnibus omnia tollenda sunt a vicecomite, quousque summa, que requiritur, exurgat, quando scilicet principalis debitor exacta sponte non soluit.

xiv A *Magister.* In pelagus me questionum impellis, nescio, deus scit, qua emersurum. Noueris itaque quod hic iterum personarum distinctio necessaria est, sicut ex consequentibus liquebit. Vellem tamen in hac parte mihi parceres ne pluribus displicitura proferre compellas.

Discipulus. Dum a legis constitute tramite non exorbitaueris, iustam prudentis offensam non mereberis; quod si cui graue videbitur, quod lex statuit, ei qui condidit irascatur non tibi.

Magister. Ab initio debitor tibi factus sum ex promisso

'Hinc est quod nolens teneor parere petenti.'

Debitorum igitur, qui exacta sponte non soluunt, catalla

3 tenens *R* 7 quod *C interlin.*: hoc *N*: *om. R* 9 de *om. N* 14 similis] simul *R* 24 emensurum *N* 28 lege *N* 34 nolens] volens *N* *post* parere *add.* vel volenti *N*

que licite venduntur sunt eorum mobilia ac sese mouentia. Qualia sunt aurum, argentum et ex hiis vasa composita, lapides quoque pretiosi et mutatoria vestimentorum et hiis similia. Item equorum vtrumque genus, vsuales scilicet et indomiti, armenta quoque boum ac greges ouium et cetera huiusmodi; frugum etiam et quorundam victualium mobilis est natura, vt scilicet libere vendi possint, deductis necessariis sumptibus debitoris ad sola victualia, hoc est vt necessitati non superfluitati, et item vt nature satisfiat non crapule; nec soli debitori sed vxori eius et filiis ac familie, quam prius exhibuerat dum sibi viueret, hinc necessaria ministrantur.

Discipulus. Quare dicis quorundam? B

Magister. Victualia, que ab eis cotidianis vsibus preparantur et que sine sui mutatione esibus accomodantur, qualia sunt panis et potus, nulla ratione vendi possunt. Victualium igitur ea dumtaxat, que preter vsus necessarios ab ipsis dominis reseruanda fuerant, vt venalia fierent, licite venduntur, qualia sunt carnes sale condite, casei, mella, vina et hiis similia. Et nota quod, si debitor ille qui soluendo non est, militie cingulum semel optinuerit, venditis ceteris, equus tamen ei, non quilibet set vnus vsualium, reseruabitur, ne, qui dignitate factus est eques, pedes cogatur incedere. Quod si miles eiusmodi fuerit

'quem iuuet armorum decor et iuuet vsus eorum,'

et qui, meritis exigentibus, debeat inter strenuos computari, tota sui corporis armatura cum equis ad id necessariis a venditoribus erit liberrima, vt, cum oportuerit, ad regis et regni negotia armis et equis instructus possit assumi.

'Si tamen hic idem cui lex in parte pepercit'

audita necessitate regis vel regni, delitescens se absentauerit, vel ad hoc vocatus non venerit, sic tamen vt non propriis sed regiis stipendiis militet, et euidenter absentiam suam non excusauerit, nec ab hiis venditores temperabunt set solo contentus equo propter militie dignitatem sibi

2 hiis *om. R* 7 libere *om. C* 10 soli] enim *C* 14 Victualibus *C*
18 fuerant] sunt *C* 22 vnus] vsus *N* 32 *posterius* non *om. R*

C relicto, iuri communi uiuat obnoxius. Caueat autem vicecomes vt venditores suos premonuerit in vendendis hunc ordinem obseruare; mobilia cuiusque primo vendantur; bobus autem arantibus, per quos agricultura solet exerceri, quantum poterunt parcant, ne, ipsa deficiente, debitor amplius in futurum egere cogatur. Quod si nec sic quidem summa que requiritur exurgit, nec arantibus parcendum est. Cum igitur omnia, que ad ipsum specialiter pertinent venalia, venundata sint, si nondum satisfactum est, adscriptitiorum eius fundos adeant, et eorum catalla licite vendant, ordinem simul et legem predictam obseruantes. Hec enim ad dominum pertinere noscuntur, sicut supradictum est. Quo facto, siue sic de requisita summa satisfactum sit, siue non, venditores iubet lex nostra requiescere, nisi forte scutagium sit, quod a domino requiritur. Pro scutagio namque, si non soluerit, qui regi tenetur dominus principalis, non tantum propria sed et militum suorum et ascriptitiorum catalla passim venduntur; ratio namque scutagiorum milites suos magna pro parte respicit, quia non nisi de militibus et ratione militie regi debentur. Vidi tamen ego ipse, cui nondum cana memoria est, pro singulis debitis eorum qui non satisfaciebant non solum propria sed et militum suorum et ascriptitiorum catalla licite vendi. Sed illustris regis constitutio in scutagiis tantum hoc obseruari decreuit, ordine seruato vt prius propria, dehinc aliena, vendantur. Quod si milites ea, que de feodis suis proueniunt, domino soluerint et hoc, oblata cautione, probare voluerint, pro hiis, que a dominis requiruntur, catalla sua venundari lex prohibet.

XV Item admonendus est vicecomes vt diligenter ac sollicite, quantum poterit, inuestiget, si quis in comitatu suo debitori illi in solutionem sibi prestite, vel penes eum deposite, pecunie teneatur. Quod si inuentum fuerit, a debitore illo summa illa, que ab eius creditore qui regi tenetur requiritur,

5 poterant, parcunt *C* 7 exurgat *C* 9 venundanda *C* 14 lex . . . requiescere *om. N* quiescere *R* 21 est *om. N* 22 *posterius* non *om. C* et] in *R* 23 militum] multum *N* 24 hec *CR* 31 inuestigiet *N* suo comitatu *C*

exigatur, et ne ei super eodem respondeat auctoritate publice potestatis inhibeatur.

Item si debitor a tempore, quo regi teneri cepit, fundum xvi
suum vel redditum alii locauerit, vel pignus pro pecunia dederit, vel etiam, quod absurdum tibi forte videbitur, dominium eius per venditionem a se transtulerit, si alias inuenta non sunt per que regi satisfiat, quecunque persona fuerit, quocunque titulo possessionem nactus fuerit, nichilominus ex eadem quod ad regem pertinet accipietur, salua domino proprietate, qui iusto eam titulo ceperit possidere, nisi forte debitor ille fundi venditi pretium ab initio sponte regi soluerit. Tunc enim tuta erit penes emptorem possessio. Huius autem rei causam, licet distorta modicum et regie tantum vtilitati seruiens videatur, euidentem tamen et satis iustam secundum patrias leges comprobabis. Quisquis enim in regiam maiestatem deliquisse deprehenditur, vno trium modorum iuxta qualitatem delicti sui regi condempnatur, aut enim in vniuerso mobili suo reus iudicatur pro minoribus culpis, aut in omnibus immobilibus, fundis scilicet et redditibus, ut eis exheredetur, quod fit pro maioribus culpis, aut pro maximis quibuscunque vel enormibus delictis, in vitam suam vel membra. Cum igitur aliquis de mobilibus in beneplacito regis iudicatur, lata in eum a iudicibus sententia per hec verba, 'Iste est in misericordia regis de pecunia sua,' idem est ac si 'de tota' dixissent; laicorum enim indefinite non his, pro quibus tutius est eas accipi, hoc est particularibus, sed semper vniuersalibus equipollent. Cum igitur fundi illius catalla, quem debitor post distraxit, in beneplacito principis adiudicata fuissent et ipse de requisita summa non satisfecerit, videri potest iniustum vt rem non suam in fisci iacturam alienauerit.

Item admonendus est vicecomes propter fidei religionem, xvii
quod ab ipso de non soluentibus exigitur, immo quam ipse

3 regi quo tempore *N* 4 suum] illum *C* 5 absurdus *C* 9 exedem *R* 10 proprietate domino *R* 17 vno *om.* *R* 20 fit] si *R* 21 pro *om.* *N* 22 dilectis *R* 23 in] et *R* 27 accepi *N* 29 que *C*

sponte visus est optulisse vt sic a summonitione sibi facta liberari valeat, ne a debitore quolibet, qui regi non soluit, interim aliqua, que sibi iuste debebantur, suscipiat. Non enim verisimile est non posse vicecomitem de catallis eius inuenisse, per que regi debita summa soluatur, qui ipsi vicecomiti, sponte vel inuitus, quod requirebatur, exsoluit. Si tamen ante datam fidem per se vel per alium recordatus fuerit vicecomes de his aliqua se suscepisse, vel etiam post datam, nondum tamen soluto scaccario diei illius, hoc est, dum compotus eius recens est, et veniens in publicum querula voce se suscepti tunc inmemorem exstitisse, fide de his oblata, confirmare voluerit, susceptam summam nomine debitoris persoluens liberabitur. Si vero, quod absit, post fidem datam, post solutum scaccarium, per alium hoc innotuerit, non iam suscepta tantum soluens absoluetur set pro excessu suo in regis beneplacito iudicandus pecuniariter punietur.

Postremo vicecomitem commonuisse sufficiat vt post susceptam summonitionem diligenter inquirat per viciniam, si vir qui soluendo non est vxorem ducens, vel mulier ditiori nubens, vel quouis alio modo ditescat, quatenus de requisitis satisfacere valeat; quod si inuentum fuerit, propter fidem vicecomitis soluere compellatur. Quod si nichil horum inuentum fuerit, poterit tunc purgata conscientia de his rebus fidem dare et imminentem rerum suarum iacturam declinare.

xviii *Discipulus.* Numquid vir pro vxore, que regi tenebatur et fati debita iam soluit vel pro viro suo mulier ei superstes conueniri debet?

Magister. Satis audisti quod 'qui adheret' mulieri, 'vnum corpus efficitur,' sic tamen vt caput eius sit. Merito ergo pro ea conueniendus est, quia 'mulier sui potestatem non habet set vir.' Quod si vir ex ea prolem susceperit, cui ratione vxoris debeatur hereditas, et, mortua iam vxore, nondum soluta regi debita pecunia fuerit, vir ille nomine heredis conueniendus et cohercendus est, alias autem non. Porro

8 se *om. C* 12 *post* oblata *add.* fide *N* summam susceptam *C* 13 post *om. C* 31 capud *C*

mulier viro suo superstes, prolem habens et in viduitate cum ipsa permanens, ratione prolis cui debetur hereditas, conuenienda et cohercenda est, sic tamen vt doti eius parcatur, quia premium pudoris est. Quod si, relictis liberis, alii viro mulier adheserit, legittimus heres pro debito patris conueniendus est. Verum si mulier que deliquit et regi tenetur, priore viro sine liberis mortuo, ad alium se cum sua hereditate transtulerit debitum eius a viro requirendum est. Hoc est igitur quod petisti et sic vir causa vxoris et vxor causa uiri conuenienda est. Certum autem habeas quod semper legittimus heres, qui debitori succedit, pro illo conueniendus est vt, sicut in emolumentum, sic in onus subeat. Solus autem ascriptitius et is, qui sine hereditate decedit, venditis catallis suis, per extremam mortis aleam a debito liberantur. Non tamen ab annali in quo debita hec annotantur, nisi per breue regis, auferentur, cum scilicet de hiis a thesaurario regi suggestum fuerit quod inutiliter in rotulo scribantur cum nullo pacto fieri possit vt ab his debita pecunia proueniat.

Ad hec nosse te conuenit quod in debitis regiis requi- xix
rendis et debitoribus cohercendis baronum regis et ceterorum, qui passim pro suis excessibus pecuniariter regi puniuntur, par condicio non est. Porro de his, qui de rege nichil habent in capite, lex predicta seruatur; at si de rege tenens baroniam, audita summonitione, fidem in propria persona vel per manum generalis economi, quem uulgo 'senescallum' dicunt, in manum vicecomitis dederit sub hoc tenore verborum, quod de hac summa et de hac summonitione garantum baronum scaccarii die compoti sui fiet, sic vicecomes contentus sit.

Si vero die compoti voce preconia requisitus non venerit xx
nec per se nec per alium satisfecerit, vicecomes quod ad ipsum pertinuit, fecisse iudicabitur. Causa vero hec seorsum in memorandis scaccarii precepto thesaurarii diligenter annotata in finem scaccarii reseruabitur, vt tunc, communicato

5 debito] debite *R* 6 deliquid *R* 8 a viro *om. N* 11 heres *om. R* 17 de hiis *om. R* 18 fieri *om. N* 19 c. *ulterius non contulimus* 26 per *om. R* 29 graantum *N* fiet] faciet *N*

consilio, grauius, qui sic deliquit, puniatur. Quod si post consummatum compotum vicecomitis sui venerit et satisfecerit, de assidentium gratia et de legis indulgentia poterit absolui. Verum necesse est vt vicecomes fidem eius in comitatu sub omnium oculis suscipiat, quia, si forte qui dederit, volens malignari, datam infitiari voluerit, aduersus eum ad omnem probationis summam recordatio comitatus sufficiet. Quod si alias sibi datam vicecomes confessus fuerit, nil egisse iudicabitur, vnde mox de firma sua requisita summa capietur, vt summonitioni satisfiat in hac parte dicenti ‘vel capientur de firma tua.’

xxi A Si vero qui fidem se dedisse non diffitetur, die nominata venerit nec satisfecerit, si dominus est, ad scaccarium quamdiu sederit detinebitur, fide data in manu marescalli, sicut supra diximus, quod a leugata ville, nisi baronum licentia, non recedet. Soluto vero scaccario illius termini, si nondum satisfecerit in loco tuto sub libera custodia collocabitur, quousque rex ipse, si presens fuerit, vel presidens cum aliis assidentibus, quid de ipso agendum fuerit, decernat, qui, fidem se dedisse de satisfaciendo confessus, nullo modo satisfecit. Quod si miles vel alius eius economus venerit, nec satisfecerit, pro fide lesa comprehendetur et marescallo custodiendus tradetur, post solutum scaccarium licite vinculandus et in carcerem mittendus siue miles fuerit siue non. Miles vero super debito proprio non satisfaciens, cum tamen de satisfaciendo fidem dederit, post solutum scaccarium non in carcere set infra septa domus carceralis libere custodietur, fide corporaliter prestita, quod inde nisi regis vel presidentis licentia non recedet. Decreuit enim memorande nobilitatis rex illustris vt quisquis militie dignitate prefulget pro debito proprio, cum pauper a vicecomite simul et a vicinia reputetur, in carcerem non mittatur; set seorsum infra septa domus carceralis libere custodiatur. Verum quisquis mandato domini fidem B dederit, sicut predictum est, vicecomiti et veniens non soluit, hunc comprehendi et in carcerem, soluto scaccario, mitti,

10 satisfaciat *N* 15 vile *N* 17 collocatur *R* 22 comprehenditur *N* 23 post] primo *N* 29 nisi *om.* *N*

siue miles sit siue non, lex statuit. Et quoniam liberum est cuilibet baroni pro debito, quod ab ipso requiritur, fidem officialis opponere, vt sic interim vicecomitis importunitate careat et de rebus suis oportunius ipse disponat, ne sic in immensum regii mandati videatur auctoritas eludi, decretum est vt, comprehenso illo qui lese fidei reum se non satisfaciens iudicauit, statim a vicecomite seruientes dirigantur, qui fundos principalis domini perlustrantes, venditis quocumque modo catallis, summam requisitam ad scaccarium eiusdem termini deferant, et tandem ille comprehensus pro fide lesa iuxta possibilitatem suam pecuniariam penam luat et amplius super eodem debito, etiamsi dominus preceperit, ad fidem dandam non admittatur.

Principalis etiam dominus ne hec impune presumpsisse xxii
videatur, non per fidem supposite persone, sed solum per propriam, dilationis beneficium promerebitur, si forte super eodem ipsum iterato summoneri contigerit. Sunt tamen qui credant vt de cetero super eodem debito nec etiam per fidem propriam vsque ad scaccarium a vicecomite dilationem obtineat. Quod quidem beneficium dilationis magnum dicunt, qui fisco tenentur ; possunt enim interim de rebus suis mitius disponere et dilate per aliquod tempus solutioni necessaria preparare. Quin potius dicunt quod, suscepta summonitione, liceat vicecomiti iuxta communem aliorum legem statim in catalla ipsius manum mittere. His, fateor, ego prorsus non dissentio, si tamen multis indiciis et testimoniis verisimile videatur procurasse dominum vt miles suus his casibus exponeretur, quatinus posset ipse vel sic interim liberari. Huius autem rei validissimum est contra dominum argumentum, si copiosus, si rebus habundans, si solutioni sufficiens a vicecomite simul et a vicinia iudicetur.

Discipulus. Dignum revera est vt is indultam sibi gratiam demereatur, qui in datoris eius perniciem eadem abusus est.

Magister. Habes ex precedentibus vtcumque distinctum,

1 liberium *R* 17 summonitioni *R* 26 si] set *N* et] in *R*
33 Dignum *om. N* his *N* 36 vtrumque *R*

que catalla vendi debeant et que non; et item in quibus personarum discretio tenenda est et in quibus non; tunc scilicet cum debitores, qui in pecuniariis penis regi tenentur, soluendo non fuerint. Restat vt quid de oblatis spontaneis fieri debeat, cum item non soluerint, ostendamus.

xxiii A Noueris igitur quod oblatorum regi, quedam in rem, quedam in spem, offeruntur. In rem quidem offerri dicimus, cum oblatum a rege suscipitur, et offerens consequenter, pro quo obtulit, a rege suscipit, vt si quis pro libertate aliqua, pro fundo vel pro firma, vel pro custodia cuiusque, qui minor est annis, vsque ad annos legitimos habenda, vel pro quouis alio quod ad suam vtilitatem vel honorem accedere videatur, sponte regi c. libras vel c. marcas offerat, et, assentiente rege, statim post oblatum suscipiat optatum. De his igitur, qui sponte se obligant, et qui, conuentione cum principe facta, possidere iam ceperint, lex nostra decernit vt, quamdiu soluendo fuerint, indultis sibi beneficiis gaudeant et vtantur. Quod si de regis debito summoniti soluere desierint, statim careant impetratis, sic tamen vt si, manente scaccario, super eodem satisfecerint, ablata omnia sine molestia sibi restituantur. Et nota quod qualiscunque persona, cuiuscumque etiam conditionis aut sexus fuerit, huic observantie de sponte oblatis semper erit obnoxia, vt scilicet summonitioni satisfaciat vel impetrato careat, nisi rex ipse obsequii prestiti vel paupertatis intuitu aliquid sibi preter communem legem indulgeat, velut si de oblatorum grandi summa ad quodlibet scaccarium modicum quid ab ipso solui constituat et hoc per breue suum baronibus innotescat.

B In spem vero dicuntur offerri cum quis, exhibende sibi iustitie causa, super fundo vel redditu aliquo, regi summam aliquam offert; non tamen vt fiat, ne in nos excandescas et venalem penes eum iustitiam dicat, immo vt sine dilatione fiat. Noueris tamen non quecunque sic offeruntur, a principe suscipi, etiamsi modum videatur excedere. Gratis enim quibusdam iustitie plenitudinem exhibet ob-

7 offeruntur *Madox*: offerentur *N*: *om. R* 21 ablata] oblata *N*
27 oblatorum *scripsimus*: oblatore *NR* quolibet *R*

sequii prestiti vel solo caritatis intuitu; quibusdam autem, lege condicionis humane, nec prece nec pretio vult adquiescere, obstantibus interdum eorum meritis, qui possidere noscuntur, vel forte propriis postulantium meritis nequaquam hoc exigentibus, quia vel in regnum, vel in regem ipsum, aliquid deliquisse culpantur. De his autem sic constituit rex insignis vt antequam rectum habuerint, hoc est, antequam per sententiam obtinuerint, vel re sibi penitus abiudicata, ab omni spe ceciderint, de oblatis nil soluant, set sufficiat de huiusmodi vicecomitem respondere, 'rectum nondum habuerunt.' Prouideat tamen vicecomes ne per ipsum debitorem stet quominus causa eius executioni mandetur si scilicet iuri se nolit offerre, vt hac arte promissa sibi pecunia rex fraudetur. Cum enim hoc compertum fuerit dolus ei non subueniet, set per omnia sic coercebitur ac si per sententiam obtinuisset; huius autem spontanee dilationis est signum cum breue regis penes se detinens eo non vtitur. Solet tamen cum his, miserente principe, mitius agi qui post promissam pecuniam a causa cadunt, ne spe sua frustrati, rebus etiam sine emolumento spoliati, duplici contritione conterantur.

Sunt item tertii generis obuentiones, que non videntur **xxiiii**
prorsus inter oblata computande, set magis 'Fines' ad scaccarium dicuntur. Cum scilicet de rege tenens in capite baroniam, relicto herede, decesserit, et idem heres cum rege in quam potest summam componit, vt paterni iuris mereatur ingressum, quem finem 'releuium' vulgo dicimus; quod si baronia est, in regis est beneplacito que debeat esse summa releuii. Si vero de eschaeta fuerit, que in manu regis, deficiente herede, vel aliter, inciderit, pro feodo militis vnius hoc tantum regi, nomine releuii, soluet, quod esset suo domino soluturus, hoc est centum solidos. Sunt autem qui credant eos, qui in releuiis regi tenentur nec summoniti soluunt, spontaneorum oblatorum legibus obnoxios vt, cum soluendo non fuerint, careant impetratis. At verius dici potest vt, sicut de pecuniariis penis fit, sic fiat de releuiis.

1 quibus *N* 7 est *om. N* 9 de] dum *R* 15 delus *R*
17 signum *om. R* breue] habere *R* 31 vnus *R* 36 sic] vt *N*

Debita namque filiis ratione successionis hereditas eos a lege sponte oblatorum videtur excludere.

xxv Item fit interdum vt aues regie regi qualibet ex causa promittantur; accipitres scilicet vel falcones. Quod si promittens determinans dixerit, 'accipitrem instantis anni' vel 'mutatum,' vel locum etiam exprimat dicens, 'Hibernensem, Hispanensem, Norrensem dabo,' sic satisfaciat. Si vero nec qui promittit, nec cui promittitur, determinauerit, in arbitrio promittentis erit si mutatum, vel non, sit soluturus. Set si integer et sanus a regiis austurcariis iudicetur, quacunque exclusus fuerit, suscipietur. Porro si summonitus dignum suscipi ad scaccarium detulerit nec sit tum qui suscipiat, etiam si post hoc in annum vel biennium vel amplius differatur summonitio, nisi quem maluerit, mutatum scilicet vel ornum, soluere non cogetur. Quod si summonitus solutionem differri quomodolibet procurauerit, iuxta numerum annorum quibus indulta sibi est dilatio, bimum scilicet vel trimum vel deinceps mutatum soluet. De his autem contra terminum Pasche summonitio non fit quia earum aestiuo tempore rarus est vsus. Tunc enim cauearum antris incluse diligenter custodiuntur vt redeat deposita vetustate pennarum decor et earum vt aquile iuuentus renouetur. Verum contra terminum sancti Michaelis, que regi debentur, summonentur, vt instante tunc hieme regiis aptentur obsequiis. In cohercendis autem his, qui sic se sponte obligant, nec soluunt, lex predicta de sponte oblatis seruatur.

xxvi
A
Ad hec nouerint hii, qui in pecunia numerata regi sponte se obligant, quod regine similiter tenentur, licet expressum non fuerit. Quamuis enim non sit expressum, est tamen promisso compromissum, vt cum regi centum vel ducentas marcas promiserit, regine pariter teneatur pro centum marcis argenti regi promissis in vna marca auri, pro ducentis, in duabus marcis auri, et sic deinceps. In hiis autem perquirendis eadem lege vicecomes per omnia vtetur, qua in regiis vsus est, non tamen ante set post. Cum ergo de

1 rationem *R* 13 hec *R* 16 solutione *N* 23 remouetur *R*
29 se *om.* *N* 30 tamen] tantum *R* 31 vel] scilicet *R*

regiis debitis summonitiones fiunt, adest clericus regine ad hec constitutus et addit in summonitione, 'de illo habeas centum marcas pro causa illa,' 'et ad opus regine vnam marcam auri.' Summonita autem ad scaccarium ab eius officialibus ad hec constitutis seorsum suscipiuntur. Noueris etiam quod, licet rex de promissa sibi summa mediam partem dimiserit vel vniuersum vel etiam summonere distulerit, de his tamen, que ad reginam pertinent, secundum quod sibi visum fuerit, per omnia fiet, vt, ea nolente, neque dimittantur neque differantur que sibi debentur, set summonita soluantur et non soluentes predicto modo coherceantur.

Discipulus. Numquid de promissis regi citra centum marcas aliquid regine debetur?

Magister. Quibusdam sic videtur, vt vsque ad decem marcas teneatur, vt scilicet is, qui decem regi promiserit, in B
vna vncia auri regine teneatur: aliis, non, nisi de centum et supra ab initio promissis. De his igitur ad presens cum modestia sustine, quia, re nondum terminata, suspensa solutio est. Litigat sane de his pars regine cum debitoribus et 'adhuc sub iudice lis est.' De misericordia autem Iudeorum et de redemptione monetariorum, sicut de sponte oblatis dictum est, sua portio secundum formam predictam regine debetur.

Discipulus. Numquid in ⟨penis⟩ pecuniariis et sponte oblatis clericos et laicos sine differentia lex vna cohercet?

Magister. In sponte oblatis apud omnes lex vna seruatur vt, siue clericus sit siue laicus, qui soluendo non fuerit, donec satisfecerit careat impetrato. Obseruatur etiam idem in omnibus aliis que quouis pacto regi debentur a clericis, cum scilicet sue dignitatis et libere possessionis priuilegium allegare neglexerint. De allegantibus autem quid fieri debeat, a discretis et deum timentibus laicis, si placet, rescito. His enim ad presens ex industria supersedeo ne dicar mee conditionis hominibus vltroneas leges et mitiora iura dictasse.

5 hoc *R* 10 que . . . debentur *om. R* 13 premissis *N* 16 in] m. *R* 25 penis *addidimus* 30 que . . . debentur *om. R*

Discipulus. Dixisti, si bene memini, frequenter in manum regis baronias vel fundos incidere. Vellem igitur, si placet, explicares, quo ordine redditus escaetarum ad fiscum proueniant, si vno modo vel dissimiliter.

xxvii A *Magister*. Cum in manum regis baronia vel magnum aliquid excidit, mandato eius vel presidentis ad hec discreti vtriusque ordinis viri diriguntur; qui singula perlustrantes redditus earundem in summam redigunt et de hac ad scaccarium teneri vicecomitem vel quemlibet alium constituunt. Satisfaciens igitur de hac summa is, qui ad hec constitutus est, in denariis vel breuibus vel taleis, subsequente fide de legittimo compoto, meretur absolui; et de ea sic scribetur in annali, 'Ille vel ille reddit compotum de firma honoris illius. In thesauro hoc, Et quietus est' vel 'Et debet.' Verum cum rex escaete sue custodiam fidei alicuius commiserit, vt videlicet quod inde prouenerit ad scaccarium soluat, post factum compotum fides illa sub predicto verborum tenore non dabitur, immo quod quantum inde vel in denariis vel aliis quibuscunque rebus suscepit, tantum, secundum suam conscientiam, ad scaccarium soluit; exceptis his dumtaxat victualibus que ipso nomine exeniorum non procurante sibi collata sunt.

Discipulus. Numquid custos ille de his redditibus victui necessaria percipit?

Magister. Licet scriptum sit 'non alligabis os boui trituranti,' tamen nisi expresso regis mandato de his nil percipiet. Propriis enim stipendiis, quisquis ille fuerit, in his regi militabit. De huiusmodi autem sic in annali scribetur 'Ille vel ille reddit compotum de exitu illius honoris per verum dictum suum.'

B Cum igitur de omnibus predictis, constitutis vel casualibus, satisfactum fuerit et fuerint singula per ordinem autentice rotuli scripture deputata, conuocatis omnibus assidentibus, ad principalis firme compotum consummandum, qui in summo rotuli annotatus est, reditur et hoc ordine

7 que *N* 13 scribitur *R* 14 Et *om. R* 24 *post* necessaria *add.* iam *N* 30 veredictum *N* 33 retuli *R* 35 reditur *scripsimus*: redditur *NR*

perficitur. Soluta hoc termino a vicecomite firma, de qua examen factum est, in primis a calculatore per numerales aceruos in distantium virgarum spatiis distribuitur. Deinde, facta detractione per combustionem, sicut supradictum est, eadem dealbatur et, appensa sibi taleola combustionis, que tamen vicecomiti non computatur, summa que relinquitur in taleam redigitur; similiter et quod solutum fuerat in termino Pasche et dealbatum, in eadem talea, sic et combustio de eodem termino cum combustione finalis termini, mittitur; vt vna sit vtriusque solutionis talea et, similiter, vna combustionis. Quo facto thesaurarius rotulum exactorium, cuius supra meminimus, proferens, summam, que de comitatu illo ⟨debetur⟩ per aceruos supra et seriatim disponi facit. Ab hac igitur inprimis, quod solutum est in thesauro et dealbatum, detrahitur, deinde quod rex de firma comitatus contulit aliquibus blancum, post hec iterum que alias soluta sunt per breuia regis, vel aliter, per aceruos disponuntur, et hec per subtractionem duodecim denariorum e singulis libris dealbantur, sicut que in thesauro C soluuntur dealbata per combustionem. Tunc ergo fit inferioris expense a superiore summa detractio et, si penitus absolui meruerit, in fine compoti eiusdem litteris patentibus scribitur 'Et quietus est' vel infra in capite linee inferioris 'Et debet.' Et tunc demum, consummato compoto, numerus solutorum in thesauro apponitur ei, quod iamdudum diximus scriptum, 'In thesauro,' et quod fuerat hucusque sic ex industria relictum, ne forte cogatur abradere qui scribit, quod maxime circa numeros et nomina et causas iamdudum vitandum diximus.

xxviii A

Consummato vero, sicut dictum est, de corpore comitatus compoto, a marescallo fides vicecomitis sub forma predicta semel suscipitur et sic absolutus dimittitur. Fuerunt tamen, qui crederent de singulis per fidem firmandis singillatim fidem a vicecomite dandam vt, quotiens diceret sic esse aliquid, quod sola posset fide confirmari, totiens fidem

13 debetur *vel simile quid supplendum duximus* et seriatim *om. N* 25 iamdictum *R* 27 ex *om. N* relictum *Madox*: relactum *codd.* 30 Consummata *NR*: *corr. Madox* 34 sic] si *R*

daret. Set a prudentibus et legis diuine peritis perniciosa satis visa est subtilitas, cum semel fidem dederit se legitimum per omnia compotum, salua conscientia, fecisse. Ea propter hec sententia post modicum meruit cum suo auctore contempni et vna fide, hoc est semel data, contenti sunt, quia in vnius fidei confessione vnum sunt.

Discipulus. Sentio iam languente stilo quod dicendorum finis adesse festinat. Verum, licet instantis noctis crepusculum et productioris operis labor prolixior ad alia nos euocent et paullulum respirare compellant, vellem tamen, si fieri posset, vt suspensam, et hactenus fluctuantem in verbo tuo, discipuli tui mentem confirmares, ostendens quid sit, quod ab initio dixisse te recolo, totam scilicet scaccarii discriptionem quedem esse sacramentorum latibula que reuelanda sunt cum omnium libri aperti erunt et ianua clausa.

Magister. Magnum est quod queris et alterius egens
B inquisitionis, nec his exponendis ex promisso debitor tibi factus sum. His igitur ad presens supersedeo in alterius diei disputationem eadem reseruans. Vereor quidem ne, si pluribus onerato nouam sarcinam imponerem, sub pondere deficeres. Item si iam dictis et memorie commendandis nouarum rerum studia consuerem, vtraque te fastidire compellerem. Contentus ergo iam dictis esto ad que me coegisti. Habes enim in his, quantum madide se potuit offerre memorie, quecumque circa scaccarii scientiam potiora tibi visa sunt, initialiter vtcunque distincta. Ceterum ad singula, que tractu temporis videri poterunt necessaria, vngue tenus explananda nec virtus hominis, nec vita forte, sufficeret. Ex variis enim et insolitis casibus vel nulla fiet vel adhuc incognita disciplina; vnde fit vt detractoriis linguis hinc potius exponar dum, succedente tempore, pleraque dubia necdum audita proponi continget. De quibus aut consimilibus cum hic nil inuenerint, incipiant illudere, dicentes, 'hic homo cepit edificare et non potuit,

4 scientia *R* 5 amore *R* 8 noctis *om. R* 9 alia] illa *R* 11, 12 in . . . mentem *om. R* 26 quicunque *codd.* 28 tactu *R*

vel non nouit, consummare.' His ego non dissentio, pessimum namque magistrum, me ipsum, secutus sum. Feci tamen, te cogente, quod potui duce carens et exemplari: de intacta namque rudique silua regiis edificiis missa securi ligna secui prudentioris architecti dolabro complananda. Cum, igitur, ex his regie domus structura surrexerit, is, qui dedit initia, primam, licet non precipuam, gratiam mereatur. Valeat rex illustris.

[Explicit liber secundus.]

1 presumum *R*

NOTES

Page 55, line 1. **Ordinatis a deo.** In this preface the author is endeavouring to justify the double position of statesman and ecclesiastic which had marked three generations of his family. His political philosophy is that of a strong adherent of the king as against the conception of a separate secular and ecclesiastical state, and he makes use of almost the same language and the same citations as Hugh of Fleury in his treatise *De regia potestate* (c. 1100). All power is from God; therefore in serving kings, the ecclesiastic serves God; kingly power is dependent on dignity, and on wealth; there may be bad kings, but the judgement of their wickedness is for God; their subjects must obey them, and look after their wealth without regarding the use to which it is put. The four cardinal virtues are necessary, but need money to succeed. And therefore the author will write on financial administration, which is the most important part of government. With the views thus stated contrast John of Salisbury's satirical comments (*Polycraticus*, c. xvii. 677 A, Migne) on the practice of obtaining clerical preferment by civil employment. 'Voluit esse nobilis inter laicos aut certe magnus in clero. Ob hoc principum virorum quaesivit gratiam, familiaritatem iniit, ab eis quascunque suscepit functiones. Scriniis forte praelatus est, aut consignandi suscepit officium aut cimelii custodiam, aut publici claves aerarii, aut ratiocinii varias cautiones, aut si quid aliud nequit, ut corbibus praeficeretur, obtinuit.' Cf. Rom. xiii. 1 'Omnis anima potestatibus sublimioribus subdita sit: non est enim potestas nisi a Deo: quae autem sunt a Deo ordinatae sunt.' John of Salisbury (*Polycraticus*, Migne, c. 455 A) quotes the text 'omnis potestas a domino Deo est,' as 'illud Salomonis,' referring to the Vulgate (Sap. vi. 4) 'Data est a domino potestas vobis.'

The form of the preface is of course borrowed from Justinian's *Institutes* ('Imperatoriam maiestatem non solum armis decoratam, sed etiam legibus oportet esse armatam,' &c.) as is also that of 'Glanvill.'

P. 55, l. 4. **regibus quasi precellentibus**: cf. 1 Pet. ii. 13 'regi quasi praecellenti'; and translate: 'It does not therefore seem unreasonable or improper for ecclesiastics to take service under kings as supreme and other powers, and preserve their interests especially in matters not inconsistent with truth and honour.'

l. 10. **mobilium copia**. Liebermann's conjecture gives a better sense, and 'hec desunt' following demands a neuter plural.

l. 19. **corda et motus cordium**: cf. Prov. xxi. 1 'Cor regis in manu Domini.'

l. 21. **stat aut cadit**: cf. Rom. xiv. 4 'Domino suo stat aut cadit.'

P. 56, l. 1. **Potentes . . . patientur**. Sap. vi. 7.

l. 8. **Nouimus quidem**: cf. Hugh of Fleury, *op. cit.* I. vi. [Rex] 'Debet etiam quatuor principalibus maxime pollere virtutibus, sobrietate videlicet, iustitia, prudentia et temperantia.' Our author gives a more correct list of the cardinal virtues, perhaps following Boethius, *In Porph. Dial.* i. 1 (Migne, col. 12 A).

l. 19. **licet arma quiescant**: cf. Verg. Aen. x. 836 'prato gravia arma quiescunt.'

l. 20. **Christus alitur**: cf. Matt. xxv. 40 'Amen dico vobis, quamdiu fecistis uni ex his fratribus meis minimis, mihi fecistis.'

l. 21. **mammona**: cf. Luc. xvi. 9 'facite vobis amicos de mammona iniquitatis.'

l. 24. **felici mercimonio**. Compare the formula in the foundation charters of religious houses, 'transitoria in eterna felici commercio commutare.'

l. 32. **missis a latere**: i. e. 'dismissing your council from your side, you summoned the then bishop of Ely to discuss finance'; this seems better than to suppose that the 'viri discreti' are only messengers.

l. 34. **tam excellentis, etc.** It seems better to refer both these clauses to Henry II, the sense being that the Exchequer was not beneath his notice either as a wise man or as a prince. Otherwise it would be necessary to compare 'Ego et Rex meus,' which is alien to the spirit of the introduction.

P. 57, l. 8. **Incipiunt capitula**: as to the titles and their authenticity *see* Introduction, p. 8.

P. 59, l. 4. **in scientia vel thesauro**: cf. Ecclus. xx. 30 and xli. 14 'sapientia enim abscondita, et thesaurus invisus, quae utilitas in utrisque?'

P. 59, l. 11. **qui in tenebris**: cf. Job xii. 25 'palpabunt quasi in tenebris'; Deut. xxviii. 29; Isai. xxxii. 14.

l. 13. **videntes non vident**: cf. Luc. viii. 10 'ut videntes non videant, et audientes non intelligant.'

l. 15. **magna aucupantur.** This seems a more probable conjecture than the 'circa magna occupantur' of the received text.

l. 20. **corporeis sensibus subiecta.** The objects of the bodily senses; 'res sensibus subiectas' occurs in Boethius, *In Porph. Dial.* i (Migne, col. 19 A). Things, apprehended by the senses only, belong to the lowest class of the knowable (*ibid.* col. 11 D).

l. 24. **subtilium rerum fugam**, 'the pursuit of abstractions'; cf. John of Salisbury (*Metalogicus*, 886 A, ed. Migne) 'Sed plerumque quae naturaliter priora sunt et notitia simpliciter ignotiora sunt nobis. Namque solida magis familiariora sunt sensibus, quae vero subtiliora longius absunt.'

habent Aristotilem et libros Platonicos: 'nouitatibus gaudent' refers to Aristotle, 'subtilium rerum fugam' to Plato. John of Salisbury (*Polycraticus*, bk. vii. cc. v and vi) gives an account of both philosophers in the survey of the history of philosophy which occupies most of his seventh book. He appears to have read the *Republic* and the *Timaeus*, in translations, and the *Metalogicus* shows that he was familiar with the *Organon*. For the order in this passage cf. below I. v. G 'sive in scriptis, sive in receptis, sive in taleis, sive in expensis.'

l. 25. Cf. Luc. xvi. 29 'Habent Moysen et prophetas, audiant illos.'

l. 29. **Artium scriptores.** Writers on the seven liberal arts.

P. 60, l. 1. **ut sint cognati**: cf. Hor. *S.* II. iii. 280 'Ex more imponens cognata vocabula rebus.'

l. 4. **que ad placitum sunt**, 'which are conventional'; cf. John of Salisbury (*Metalogicus*, I. xiv. 840 C, ed. Migne) 'Ceterum cum haec (sc. Grammatica) ad placitum sit non a natura videtur esse profecta.'

l. 7. **animequior esto**: cf. Marc. x. 49 'Animaequior esto: surge, vocat te.' The author notwithstanding makes a determined effort to write classical Latin as far as I. viii. A where he breaks down completely.

l. 11. **turpis . . . senex**: cf. Seneca, *Epist.* 36; 'an old man

learning his alphabet.' *Elementa* are the letters of the alphabet, στοιχεῖα; cf. T. Cooper, *Thesaurus linguae Romanae et Britannicae*, London, 1587, who translates 'his cross-rewe.'

P. 60, l. 14. **Scaccarium tabula quadrangula est**: i. e. a rectangular board. There are entries on the Pipe Rolls of payments for Exchequer boards, e.g. P. R. 10, Hen. II, *London*, p. 21 'Et pro uno scaccario ante Barones 13*s*. 4*d*.' P. R. 12 Hen. II, *Worc.* p. 81 'Et pro 1 scaccario apud Wirecestriam ad faciendum receptam Regis 3*s*. et 10*d*.' cf. also Madox, *H. E.* xx. § 3. p. 549 *n*. (*i*).

l. 18. **superiori.** We have bracketed this word as suspicious, firstly because it is impossible to assign any meaning to it in this passage, and secondly because an unintelligent scribe might easily have introduced it under the impression that the reference was to the upper Exchequer; but in this passage *scaccarium* simply means the table of account, not the office; and the first mention of the distinction between the upper and lower Exchequer is in I. ii.

pannus . . . emptus. In the account of the expenses of the mint in Ireland a° 35 Henry III (Exch. K. R. Accounts, &c., $\frac{230}{1}$) there is an entry 'In panno empto ad Scaccarium Cambii coperiendum 2*s*. 11*d*.' Cf. also the quotations given by Madox, *H. E.* xx. § 2. pp. 549 seq. *n*. (*m*).

The cloth appears to have been ruled into squares (cf. Introduction, p. 38), and these were at a later date coloured black and white like a chess-board (Madox, *H. E.* xxiv. § 3).

l. 26. **factum ad scaccarium**: cf. P. R. 14 Hen. II, *Sussex*, p. 197, where Robert de Hastings pays £5 6*s*. 8*d*. 'ut placitum . . . differatur usque ad scaccarium.'

l. 27. **Quod autem**: *see* Introduction, pp. 38, 42.

P. 61, l. 4. **presidentibus**: translate 'some first in dignity, others in place,' because on the chess-board the pawns are ranged in front of the pieces.

l. 12. **Numquid**: *see* Introduction, pp. 52 seq.

l. 17. **Sunt . . . qui.** 'There are some who say that the Treasurer and Chamberlains are only answerable for what is set down on the rolls as *In Thesauro*, to give account of that. But the more correct belief is that he must answer for the whole writing of the roll.' The meaning is that they are answerable not only for actual receipts, but also for the correctness of the roll,

and must make good any loss caused by any error introduced into it.

P. 61, l. 32. **suas habet personas**, 'has its own officers'; the word *persona* is curious; possibly there is a reminiscence of the sense of dramatic characters, each officer really representing some one else.

P. 62, l. 2. **omnes quidem**: the officers of the lower Exchequer are deputies, holding their appointments not from the king, but each from the superior whom he represents.

l. 3. **militantes**, 'discharging their duties,' the word has no military colour; cf. e.g. Hugh of Fleury (*De regia potestate* I. iv) 'ut et malus angelus et malus homo divinae militent providentiae.'

l. 14. **forulos**. The classical sense of this word is given by Forcellini as a box or shelf for books. Here the word seems to mean a box or other receptacle of leather or covered with leather. Such 'forels' cost *2d.* each. They were large enough to hold £100 in silver pennies, or the tallies and writs of allowance for a whole county. The *foruli marescalli* mentioned repeatedly below continue to appear on the Memoranda Rolls until the fourteenth century. For instance the rolls from which the 'Testa de Nevill' was compiled are referred to as being *in forulis marescalli*, *see* Index, *s. v.* Forulus. Madox quotes an entry from P. R. 1 Ric. I. Rot. 12 a, *Sudhantona*, 'Et pro forulis et aliis necessariis ad ponderandum et numerandum thesaurum ix. *l.* et ij. *s.* et j *d.*' (*Hist. of Exch.* c. ix. § iii. *n.* (*u*)—p. 197). The modern use of 'forel' or 'forril' for a kind of leather seems to suggest that a leather wrapper or case may be intended. The *H. E. D.* quotes ancient instances of the use of 'forel' for a book binding or wrapper. Madox translates the word as 'binn' (*H. E.* xxiv. § 6. p. 727). It is also used for the leather scabbard of a sword (Fr. *fourreau*).

deputat scripto. Apparently the origin of the Receipt Roll of the Exchequer or *Pellis Recepte*. The existing series does not begin till the reign of Henry III: but a fragment remains of the roll for Michaelmas, 31 Henry II, which has been printed by the London School of Economics, and duly records each sum for which a tally has been issued, thus giving many names which do not appear on the Pipe Roll.

l. 17. **imbreuiat**. The word is difficult. The usual meaning is 'to reduce to writing,' 'make a note of' (cf. Inquest of Sheriffs,

c. vii), but apart from the difficulty of explaining the passage if this sense is here taken, the occurrence of the phrase *deputat scripto* just above seems decisive against this interpretation. If we compare the appointment of the Treasurer's clerk given in Madox, *H. E.* xxiv. § 12. p. 738, we shall notice that the expression there is *tallias scribit*, i. e. writes on the tallies the amounts and particulars of each; cf. Hall, Receipt Roll 31 Hen. I, p. iii and 'facta annotatione' (I. v. K. below). Probably therefore *inbreuiat* here simply is equivalent to *scribit*.

P. 62, l. 24. **Circumcingitur . . . apponitur.** 'Each chest has round it a fixed strap, on which on the top, when the locks are closed, the seal of the treasurer is placed.' In order, therefore, to open the chest it was necessary to have the two keys, and the assent of the Treasurer to the breaking of the seals by which the two ends of the fixed strap were fastened together. At a later date the strap went out of fashion, and a third lock was used for the Treasurer; cf. Palgrave, *Kalendars and Inventories of the Exchequer*, I. *passim*, and the frontispiece to Hall's *Antiquities of the Exchequer*.

P. 63, l. 1. **Et nota . . . sustinent.** This passage has been bracketed for the following reasons. It is not proper to the argument, and breaks the sense in a confusing manner; moreover it is in direct contradiction to the account given below, I. vii. D, E. Of the total inaccuracy of the view put forward in it there can be little doubt. For instance Sussex pays its farm by tale, but a reference to Domesday, I. 26 a, will show that there was a mint at Lewes. The date of the passage is probably subsequent to that of the main treatise, but only by a few years. The allusion to *vna moneta* must be referred to the recoinage of 1180; but on the other hand the passage need not be later than the death of Henry II, cf. the references to the king below, II. ii. D, F. It is very doubtful whether any of the statements here made are of any authority.

l. 5. **monetarios.** The moneyers. The system of coinage found in operation at the time of Domesday, and inherited from Old English times (cf. *Leges Athelstani*, i. 14. § 1. 2. [Thorpe p. 88]), was that in certain towns moneyers were allowed to work who coined money of the legal weight and fineness, obtaining the dies from the king's officers (Domesday, I. f. 179 a). This system remained in operation till 1180, when the issue of

coins was centralised under Philip Aymar and the 'cambitores regis' the king's Coiners, who are always distinguished on the Pipe Rolls from the 'monetarii' or local moneyers; cf. Keary, *B. M. Catalogue of Anglo-Saxon Coins* II. cx., and *E. H. R.* v. 135 and xi. 759.

P. 63, l. 22. **tres**: i. e. the two Chamberlains, and the Treasurer's clerk.

P. 64, l. 1. **scaccarium**: i.e. the counter, over which the money was paid.

l. 3. **non apposito.** The reading *non* is supported by the weight of manuscript authority. The similar formulae for oaths given in the *Dialogus* (I. v. H, II. xxvii. A, II. xxviii. A) contain the clause *secundum conscientiam suam* or *salva conscientia*, which amount to the modern expression 'to the best of my knowledge and belief.' In this case, however, no such saving clause is permitted to the careless payee.

l. 14. **vt ponderi respondeant,** 'so that they may balance the weight.' 240 heavy pennies would weigh more than a pound, the same number of light pennies less.

l. 16. **quod si numerus . . .**, 'but if the 20 shillings (by weight) on being counted come to 6*d.* or more, more than a pound, the money is judged unworthy to be accepted.' The Chamberlain weighs out as many pence as will balance the standard pound: these are then counted and if there are more than 246 the money is rejected. This treatment only applies to payments made *numero*. Payments of farm which have to be assayed are treated differently.

l. 22. **in loculum . . . mittuntur,** 'they are put in a purse.' This translation seems preferable to 'coffer,' since the word *bursa* is used for the same receptacle at a later date (Memoranda Roll 14 Hen. III, Rot. 14 a, quoted by Madox, *Hist. of the Exch.* c. ix. § iii. p. 196 *n.* (*g*).)

l. 24. **examen quod vulgo essaium dicitur,** 'the test commonly called the assay.' Here as usual the author endeavours to substitute the classical word.

l. 27. **examinati . . . fiant.** The Treasurer's clerk and the Chamberlains are to put away separately the lumps of silver obtained in the assay, and the pennies paid in as the farm. Being of silver of known standard they will serve for plate or for coinage for the king's foreign possessions.

P. 65, l. 17. **Hic ministrat forulos.** He provides cases for

the money, the sheriff provides those for the writs, tallies, &c., in the custody of the Marshal; *see* I. v. G, below.

P. 65, l. 20. **Hic in omnem.** Translate 'He against every opening of the receipt,' i. e. twice a year, 'provides proper wood for the tallies of receipt and account, and once in the year,' &c. *See* Introduction, p. 42.

l. 26. **sacrista maioris ecclesie Wintoniensis.** The reading of the MSS. has here been disregarded. N.'s reading 'Westmonasterium' shows that the MS. from which N. was copied had not the word in full, but probably read 'W.' Westminster was not a *maior ecclesia* in the sense of either mother or cathedral church, and our author shows that he was aware of this technical sense in II. xi below, where he uses the term quite correctly. Besides the statement that the sacristan claimed *de antiquo iure* is conclusive. *See* Introduction, p. 45. The Pipe Rolls do not mention any of the payments referred to in this passage, but as the Chamberlains were bound to make them out of the Treasury without warrant (see I. iii. C) this is not surprising. The Treasurer and Chamberlains do not account on the Pipe Roll. Madox quotes (cap. xxiv. § 14. p. 742) a payment of three shillings for ink for a whole year, from the Receipt Roll of 9 Henry III, but it does not appear to whom it was made.

l. 30. **inferius:** in the lower Exchequer.

P. 66, l. 3. **asserunt enim.** A considerable guard was sometimes sent with treasure. Cf. P. R. 5 Hen. II. *Hants*, p. 45 'Et decem militibus qui conduxerunt thesaurum Regis, £5.' The king was abroad this year besieging Toulouse, and the treasure was probably conveyed to France. There is an item in the same Roll, *Southampton*, p. 51 'Et in passagio thesauri, 12*s*. 3*d*.' In 1160 Henry fitz Gerold, a Chamberlain of the Exchequer, accompanied the treasure in person, with the Queen and Nicholas de Sigillo (P. R. 6 Hen. II, *Hants*, p. 47). William Mauduit did the same in 1166–7 (P. R. 13 Hen. II, *Southampton*, p. 193). In 1158 (P. R. 14 Hen. II, *Southampton*, p. 189) we have a definite mention of the horses 'Et iij. aliis navibus que portaverunt equos Archidiaconi Cantuariensis et equos camerariorum 4 *li*. et 10*s*. per breve Regis.' The regular pay of a knight was 8*d*. a day, as is shown by various entries of such wages (e. g. P. R. 11 Hen. II, p. 2; cf. also Round, *Feudal England*, pp. 271 sq.).

l. 9. **Ad lumen cuiusque noctis circa thesaurum**

obolus: cf. P. R. 10 Hen. II, *Southampton*, p. 28 'et pro lumine ad custodiendum thesaurum, 10½*d*.,' this probably refers to some treasure shipped to France.

P. 66, l. 22. **proprietatibus . . . distincta:** being as it were different species of the same genus, and the properties being in each case consequent on the differentia. But the logical terminology is used loosely, and should not be pressed.

l. 29. **a scaccario transmarino:** for a discussion of this question *see* Introduction, pp. 13–43.

P. 67, l. 3. **Videtur . . . annotantur.** We have bracketed this passage; first the statement made in it is entirely untrue; this indeed by itself would not suffice to do more than suggest a suspicion of its genuineness. But in the second place it is impertinent to the argument. The sense is as follows; the Exchequer, it is urged, must date from pre-Norman times because the oldest inhabitants know all about blanch farm and what it means; granted that they do, replies the author, this only shows that blanch farm dates back to Saxon times, and does not bear on the antiquity of the Exchequer. It is hardly likely that after thus disposing of the argument he would go on to dispose of the perfectly true basis of it by adducing an assertion concerning Domesday book which the briefest glance at the volume must have refuted. Thirdly it may be pointed out that 'vsus eius' below is the institution of the Exchequer, not of the blanch farm.

l. 11. **inferius annotantur:** i. e. below I. vii.

l. 14. **Habet enim hoc.** The distinction between the *Curia Regis* and the *Exchequer* is gradually becoming complete during the reign of Henry II. It is a distinction not of place—for the judges of the *curia* often sat *in scaccario* (cf. P. R. 17 Hen. II, p. 73, *Rotulus Curiae Regis*, Pipe Roll Soc. vol. 14. p. 103), not of persons—for the staff of the two courts was much the same—but of function (cf. Introduction, p. 13). The Curia Regis was concerned with law, the Exchequer with finance. Yet fines of land were taken before the Exchequer and enrolled on the Pipe Rolls (*Bracton's Note Book*, ed. Maitland, case 1095; Madox, *Formulare Anglicanum*, ccclvii), and in other ways the border line is sometimes overstepped. Normally the king sat in person in the Curia Regis, and was not present in the Exchequer. Yet the young king Henry sat at the Exchequer at Westminster to hear Becket's account on his laying down his lay offices when elected to

the archbishopric ; and though the nature of this proceeding is not clear, it rather resembles a financial than a legal transaction.

P. 67, l. 17. **licet alicui contradicere :** cf. P. R. 21 Hen. II, p. 47 'Petrus filius Ade et alii iuratores eiusdem burgi (i. e. Northampton) reddunt compotum de 30 marcis quia contradixerunt recordo Curie Regis. In thesauro liberavit. Et Quietus est.'

l. 18. **propter regie,** 'on account of the excellence of the king's image which is indivisible from his seal in the treasury.' The passage only means that the seal has a portrait of the king on it.

l. 31. **siue de clero.** For this distinction of clerks and laymen see below, I. viii. A, II. xxviii. A, and compare Introduction, p. 19.

P. 68, l. 1. **suppositis,** 'placing underneath'; cf. below, II. xxvii. C, and Introduction, pp. 50 seq.

l. 8. **Dubiorum . . . vel dubitalium,** 'doubtful or partially doubtful points.' *Dubitalia* seems to be formed on the analogy of *sacramentalia,* which are defined as things partaking of the nature of sacraments but not sacraments; e. g. holy water, blessed bread, &c. The phrase 'sacramenta et sacramentalia' would be familiar to the author as a bishop.

l. 20. **Hoc tamen.** He may issue the king's writ under his own testimony, i. e. a writ beginning 'Henricus Rex,' &c., and ending 'Teste Roberto Comite Leicestrie'; or he may choose the other style and make his writ begin 'Robertus comes Leicestrie' and end 'Testibus Ricardo Thesaurario et Willelmo de Sancte Marie Ecclesia.' For a specimen of each kind see Madox, *Exchequer,* x. § 13. *n.* p. 268; and Pipe Roll Society, X, Ancient Charters, ed. Round, p. 96 : cf. also I. vi. B, below.

l. 27. **vbi est.** Matt. vi. 21.

l. 35. **vt noueris :** *see* Introduction, pp. 46 seq., for an account of the arrangement of the seats at the Exchequer table.

P. 69, l. 6. **miles gregarius.** The endeavour of the author to find a dignified and classical title for the important official 'quem constabularium dicimus,' has led him into error. 'Miles gregarius' in its strict sense is a common soldier, one of the flock, not, as our author seems to have supposed, the chief soldier of the flock. Possibly he was misled by analogy, *constabularius* means the leader of a *constabularia,* and so *gregarius* ought to mean the leader of a *grex,* or *stabulum* may have suggested *grex.*

l. 14. **recautis :** a civil law term, 'quittance' or 'release.'

Here the stock from which the tally was split and with which it had to be verified. In case a tally was lost the stock would be evidence to warrant the striking of a new one, and hence might be regarded as a quittance. It answers to the counterfoil of a modern receipt form.

P. 69, l. 22. **Wintoniensis episcopus:** i.e. Richard of Ilchester. For his life see *D. N. B.*: cf. Introduction, p. 26.

l. 23. **archidiaconus ex officio.** Madox's reading 'non ex officio' is due to a misunderstanding of the text of R. That the archdeacon held a regular office in the Exchequer appears from I. v. O below, where his office is described; cf. also I. vi. F 'sic habes omnium qui ad maius scaccarium ex officio resident iura distincta,' where 'omnium' clearly includes the archdeacon.

l. 24. **ex nouella constitutione,** i. e. since the accession of Henry II: cf. I. v. B, II. i. C, below, 'novella constitutio': the term is clearly borrowed from the 'Novellae Constitutiones' of Civil Law.

P. 70, l. 4. **magister Thomas cognomento Brunus.** A fuller account of Thomas is given in I. vi. E, below. He was an Englishman in the service of Roger II of Sicily, and is described in various charters of that king from 1137 onwards as 'magister Thomas capellanus' or 'familiaris Regis,' and in a Greek charter as Θωμᾶ τοῦ Βρούνου. He left Sicily soon after the accession of William the Wicked in 1154. He may possibly have arrived in England in 1158, as Ralph his nephew received 4*d.* a day out of the farm of Herefordshire for that year and the next. If so, he is probably the 'Thomas clericus' who received a palfrey out of the farm of London in 1158. In 1160 he received 5*d.* a day from the farm of Hereford, and was still receiving it in 1175. Besides this, he received £42 14*s.* as wages in 1160. In 1165 he became the King's Almoner, a post which he continued to hold in 1175. In 1169 he paid 5*s.* 8*d.* for a purpresture, having apparently built four houses in Hereford: he was still paying rent for this in 1175. [See Pipe Roll. Soc. and article *sub nom.* Thomas in *D. N. B.*] Thomas died before 1189, as his pension from Hereford was not paid in that year, and his property, consisting of some houses outside Hereford and a parcel of land in Winchester, was in the king's hands. (P. R. 1 Ric. I.)

l. 6. **funiculus . . . soluitur:** cf. Eccles. iv. 12 'Funiculus triplex difficile rumpitur.'

P. 70, l. 21. **in serie scanni,** 'in the row on the bench, but a place was assigned to him behind on a higher level.'

l. 25. **oculi lincei:** cf. Hor. *S.* I. ii. 90 'Lyncei Contemplere oculis.'

P. 71, l. 10. **per suppositam personam:** i.e. the clerk of the chancellor, who acts as the deputy of the chancellor; cf. below, I. vi. c.

l. 23. **auctoritas illius,** 'for the authority of the third roll is equal to the two others'; the usual reading 'illis' is a blunder.

l. 34. **retractis.** 'Retracte' are apparently arrears of pay. Cf. P. R. 17 Hen. II (1171), p. 34, *Honour of William Fitz Alan.* Here Guy l'Estrange the sheriff has been allowed £30 8*s.* 4*d.* for the pay of twenty serjeants at Oswestry for a year at 1*d.* a day. At the end of his account are the words 'Idem vicecomes debet 74*s.* de Retracta liberationis Servientum de Blancmuster.' That is to say he had kept back so much of the sum allowed and was therefore accountable for it at the Exchequer. The sum was paid into the Treasury in the 18th year.

P. 72, l. 5. **Notandum vero . . . non.** We have bracketed this passage for the following reasons; the use of *notandum* without *est* is suspicious; the sentence is out of place and should come in the section on the marshal; and lastly it is unintelligible as it stands here. In the year 1377 we find that the constable and the marshal claimed 4*d.* in the £ on the wages of all men-at-arms, excepting seneschals and chamberlains. The distinction in the present passage between garrison troops and troops in the field is not mentioned. Cf. J. H. Round, *Commune of London,* pp. 302 sqq.; Spelman, *Glossarium,* s.v. Marescallus.

l. 12. **idem velle et idem nolle:** cf. Sallust, *Catilina,* xx. 'Nam idem velle atque idem nolle ea demum firma amicitia est'; which is possibly borrowed from Demosthenes, *De Corona,* 323. 7 ταὐτὰ λυπεῖσθαι καὶ ταὐτὰ χαίρειν.

l. 25. **singulis comitatibus . . . ministrari.** Madox (*H. E.* c. xxiv. § 6. *n.* (*l*), p. 727) quotes from the Pipe Roll of 10 Ric. I, Rot. 4. *b. Linc.* 'attulit cartam ipsius Aaron . . . quae est in forulo marescalli in Lincollscira.' In the reign of Edward I a file or a bag seems to have been more usual. (Madox, *ibid.* p. 728.) The rolls from which the 'Testa de Nevill' was drawn up are however, as we have said above, frequently referred to on the Memoranda Rolls of Edward I as being 'in forulis Marescalli.'

These and the vouchers formerly in the custody of the Marshal ultimately became records of the King's Remembrancer.

P. 72, l. 32. **huic traditur seruandus.** Madox *loc. cit. n.* (*o*) quotes the Memoranda, Hilary Term, 31 Hen. III (*Communia Rot.* 5 *a*) 'Linc. Radulphus Basset liberatus est Marescallo pro arreragiis compoti sui; set habet diem vt Priso, quamdiu Rex fuerit in Ciuitate et Scaccarium sederit.' The *carcer custodie publice* mentioned below was the Fleet prison, if the Exchequer sat in London.

P. 73, l. 1. **cum sceleratis deputari**, 'to be reckoned among the transgressors': cf. Isai. liii. 12 'cum sceleratis reputatus est,' and Luc. xxii. 37 'cum iniquis deputatus est.'

Ita . . . in agendis vicecomitis: cf. II. xxi, below. This sentence reads like a marginal note on the original text. It is clear that the modern division into chapters had not been made at the time at which it was written, as the chapter 'De agendis vicecomitum multipliciter' is the third of book II: the reference is therefore to the second book as a whole.

l. 6. **fidem . . . suscipiat.** Several instances of this oath are quoted by Madox from the Memoranda Rolls (*H. E.* c. xxiii. § 22. p. 699). In the earliest case quoted (2 & 3 Hen. III) the oaths are, (1) 'quod fideliter computabit,' (2) 'et quod non recedet nisi facta pace de arreragiis.' An oath given in 52 Hen. III is 'quod non recedet a Civitate Londonia per unam leucam donec habuerit allocationes suas et brevia.'

l. 9. **leugata** (*leuca*, a league). The leugata or 'lowey' of a town is the district immediately surrounding it over which the privileges or jurisdiction of the town extended. The same word is used in the same sense of a monastery. Other forms are *leucata*, *bannaleuca*, and sometimes 'leuca' simply, cf. modern French *banlieue*, 'suburbs.' In England the conception died out early, and only survived in local usage, e. g. at Pevensey, where the district subject to the jurisdiction of the castle was called the 'Lowey' or 'League.'

l. 18. **Hic taleas.** The sheriff receives a tally for each sum paid in by himself or by the debtors of his county on account of the debts with which he is charged, and a 'memoranda' or short tally for what he pays in on account of the farm of the county. The tally cutter produces the counterfoils of these tallies, thus checking the sheriff as to each amount paid *in thesauro.* Further, as the debts of the county take precedence of the farm, the sheriff

must satisfy half of each debt at Easter before the amount paid *in thesauro* on account of farm can be actually credited to him. His 'memoranda' tally may therefore require alteration. The sum shown on the memoranda tally in its final form must then be 'blanched,' and the tally cutter then returns to the sheriff a tally of full length (*longiorem*), which the sheriff produces again at Michaelmas. *See* Introduction, pp. 41, 48 and 50.

P. 73, l. 31. **non tamen . . . debito.** The construction of this clause is very loose. 'Vicecomites' understood seems to be the subject of 'offerant'; 'quod iam solutum fuerit' of 'redigatur' and 'vicecomes' understood of 'absoluatur'; but 'oblata talea' may be taken as a nominative. The sense is the same.

P. 74, l. 5. **Immo quia.** *See* Introduction, p. 41.

l. 10. **Memoranda vero . . . meretur.** Here again the construction is confused. The sense seems to be as follows. When the sheriff pays in money on account of his farm he is given a Memoranda tally which is shorter than an ordinary tally. When the money is blanched the Memoranda tally is destroyed, and the payment is then first expressed by a lawful tally of the ordinary length with a separate tally attached to it showing how much has been deducted on account of blanching. Compare however 'Introduction to the Study of the Pipe Rolls' [P. R. Soc. vol. iii], p. 69, where another interpretation has been adopted.

l. 14. **In summo:** i.e. at the broad end of the tally which is supposed to be nearest the cutter.

l. 26. **ex patentiore parte,** 'on the obverse of the tally.' The tally is bevelled off at the narrow end, and therefore the obverse, consisting of one side and the bevelled end, is longer than the reverse, which consists only of the other side.

l. 27. **que . . . annotatione,** 'the edge which is uppermost when the tally is inscribed.' The tally cutter is holding the tally with the square end towards him, the bevelled end from him and sloping downwards and outwards. The plain edge of the tally is underneath and the writing on the side of the tally is the right way up.

l. 30. **hoc est denarii,** 'that is to say, the pence.' These words appear to be an early marginal note which has crept into the text. They occur, however, in all manuscripts.

l. 32. **Marcam autem auri.** The mark of gold appears to be distinguished from the pound of silver by the position of the cut

only being in the middle of the obverse of the tally, instead of near the end. The gold penny is distinguished from the silver by the cut being made perpendicular to the surface of the tally instead of obliquely.

P. 75, l. 12. **nisi cui rex vel iusticia mandauerit.** The 'calculator's' duty seems to have fallen to the 'Marshal of the Exchequer' at a later date. *See* Spelman, *s. v.* Marescallus.

l. 16. **secundum consuetum,** 'according to the usual course of the Exchequer, not by the rules of arithmetic.' The opposition is between the old methods of the abacus and those of the newer Arabian arithmetic. *See* Introduction, pp. 38 seq.

l. 28. **Raro inquam.** Cf. P. R. 31 Hen. I, *Durham*, p. 129 'Et idem Gaufridus reddit compotum de £82 18*s*. 6*d*. de remanente census Episcopatus de tempore Episcopi. In thesauro £30 quas Willelmus de Pont' recepit et de quibus reddidit compotum quando comes Glocestrie et Brientius filius comitis receperunt compotum de thesauro.' The amended version, p. 130, adds 'apud Wintoniam.' Cf. J. H. Round, *Commune of London*, p. 76; H. Hall, *Receipt Roll of the Exchequer*, 31 *Henry II*, vi.

l. 31. **obulum aureum.** This use of gold and silver halfpence is clearly more primitive than Recorde's plan of placing counters above the line (Introduction, p. 40). The change was presumably made after the reign of John; cf. Madox, *H. E.* xxiii. § 29, p. 711. An allusion to such counters has been traced in Fitz-Stephen's notice of John the Marshal 'Erat siquidem Iohannes ille cum thesaurariis et caeteris fiscalis pecuniae et publici aeris receptoribus Londoniae, ad quadrangulam tabulam, quae dicitur "Calculis bicoloribus," vulgo *Scaccarium*; potius autem est regis tabula nummis albicoloribus; ubi etiam placita coronae regis tractantur' (*Becket Materials*, iii. p. 51). But 'tabula Calculis bicoloribus' is merely a 'classical' equivalent for *Scaccarium*, and the *Calculi*, the red and white pieces, are contrasted with the silver coins. Compare however J. H. Round, *Commune of London*, p. 63.

P. 76, l. 8. **in agendis vicecomitis:** *sc.* II. xxvii. B. C., below.

l. 14. **nunc vnum:** *sc.* denarium. The 'nummum' in the received text seems a needless conjecture.

l. 16. **quibusdam tamen appositis,** 'under certain conditions.' The conditions are separable accidents which may be added or removed at the will of the 'calculator.'

P. 76, l. 21. **ab imo conscendat**: the reference is of course to the wheel of fortune. The same idea is expanded by Walter Map (*D. N. C.* Dist. i. c. v), who compares the courtier to Ixion. Cf. Dante, *Inf.* vii. 67–96 and the wall-paintings in Rochester cathedral.

l. 27. **In mundanorum . . . tribulis**: cf. Gen. iii. 18 'Spinas et tribulos germinabit tibi, et comedes herbam terrae.'

l. 29. **sacramentorum**: Gratian, C. 32. D. II. *de Cons.* quotes from Augustine 'Sacramentum est inuisibilis gratiae visibilis forma,' which is the sense here.

l. 32. **villicationum ratio**: cf. Luc. xvi. 2 'redde rationem villicationis tuae.'

P. 77, l. 1. **libri aperti erunt**: cf. Apoc. xx. 12 'et libri aperti sunt.'

et ianua clausa: cf. Matt. xxv. 10 'et clausa est ianua.'

l. 5. **Ad hunc pertinet.** It seems probable that this was the office held by Richard of Ilchester before he became archdeacon of Poitiers. He is repeatedly mentioned in the Pipe Rolls as 'scriptor curie.' Note that the 'clericus qui preest scriptorio' only finds scribes for the Chancellor's Roll, and not for the Pipe Roll. He seems in fact to be the head of the Chancellor's staff in the Exchequer, as will be seen by comparing his duties with those of the 'scriptor cancellarie' and the 'clericus cancellarii,' below. *See also* Introduction, p. 16.

l. 16. **in multa distrahitur**: cf. P. R. 11 Hen. II, p. 4, *Norf. and Suff.* 'Willelmus de Casneto debet £319 9*s.* 8*d.* blancos de veteri firma de Norfolch et £150 numero de cremento comitatus. Set fuit attornatus inde Isaac Iudeo per rotulum Camere et per rotulum Archidiaconi.' P. R. 13 Hen. II, *Norf. and Suff.* p. 34 'In Clachelosehundredo sunt 20*s.* terre de dominio Regis per rotulum Archidiaconi Pictauie et Iustic' sed vicecom[es] calumpniatur infra firmam comitatus.' It is not clear that this roll was an Exchequer roll, it may very well have been an Eyre roll.

l. 24. **vt . . . sompnum**: cf. Horace, *A. P.* 360 'Verum operi longo fas est obrepere somnum.'

l. 28. **Tricolumnis.** *See* Introduction, pp. 11 seq.

P. 78, l. 7. '**attauis regibus editus**': cf. Horace, *Carm.* I. i. 1.

l. 13. **Salua . . . reuerentia,** 'Saving the reverence due to the treasurer.' The scholar apologizes for his suggestion, all the more naturally as he is actually addressing the treasurer.

P. 78, l. 25. **calamus . . . scribentis.** Ps. xliv. 2 'Lingua mea calamus scribae velociter scribentis.'

l. 31. **ministrat verba.** The treasurer actually dictates to the scribe the matter to be enrolled. Cf. Horace, *Ep.* I. xv. 20 'quod verba ministret.'

P. 79, l. 8. **scaccarium illius:** *sc.* rotuli. The reading 'illius diei' has no manuscript authority and is repugnant to the sense of the passage. Mistakes in the roll may be corrected during the session of the Exchequer in which the roll is drawn up, but not later, except by royal authority.

l. 12. **superioribus.** These are the 'maiores' of the Exchequer mentioned in other places; cf. II. i. B, *infra*.

l. 15. **rotulos.** It should be observed that *rotulus* in this passage is used to mean a single sheet consisting of two membranes. This use is quite regular in the Exchequer at a later date, and is as common as the use of *rotulus* for the bundle of sheets fastened together at the heads which we call a Roll: e.g. P. R. 1 Ric. I, *Surrey*, p. 217 'Idem vicecomes debet £19 12*s.* numero de terra Willelmi Malueisin in Gumesselua. Set reddit inde compotum in Rotulo honorum.' (The 'Rotulus honorum' is the first sheet of the Pipe Roll of 1 Ric. I.)

On the system on which the roll is drawn up *see* Introduction, pp. 48 seqq.

l. 21. **prenotantur.** This refers to the heading at the left-hand top-corner of the roll, which is (at this date at all events) peculiar to the Pipe Rolls, and serves to distinguish them from the Chancellor's Rolls, even when the schedule of combustions has been lost. The purpose of it was no doubt to facilitate the use of the separate rolls of which the Pipe Roll is composed; as each accountant appeared the Roll or 'Pipe' on which his account was could be readily picked up out of the heap. Any one who has turned over a Pipe Roll will appreciate the necessity of this arrangement. The rolls were clearly written up beforehand and the numbers and 'Quietuses' filled in as occasion arose. It is quite possible that the rolls were not filed until the next year, if then (cf. Red Book, III. 858–860, on the filing of the Pipe Roll in A.D. 1323). The system of writing out blanks remained in use until the abolition of the Exchequer, and some blanks are still in existence. That the filing of the Pipe Roll does not represent the order in which the accounts were taken is clear both from the variations

in the order of filing (cf. Introduction to the Pipe Rolls, P. R. Soc. vol. 3, p. 52) and from an entry on the roll of 15 Henry II (P. R. 15 H. II, *Bucks*, p. 12). The entry runs as follows 'Gillebertus de Pinkeinni reddit compotum de £9 pro militibus suis *modo respectuatis in Norhantesira*. In thesauro liberauit. Et Quietus est.' This is on Roll 1, Memb. 1, dorso. The words in italic type are an addition, and exist on the Pipe Roll alone. The account for Northamptonshire is on Roll 4, and there is no mention in it of the aid due from Gilbert.

P. 79, l. 30. **in agendis vicecomitis:** *sc.* II. xxvii.C, below. It is clear that 'in agendis vicecomitis' refers to the whole of the second part and not to II. iii, which now bears that title.

P. 80, l. 7. **in agendis vicecomitis:** *sc.* II. v, below.

l. 12. **infra:** *sc.* II. vii, below.

l. 19. **compoti collocantur.** These accounts may or may not be given in detail: cf. P. R. 14 Hen. II, *London*, p. 3 'Idem vicecomes reddit compotum de £617 et 16*s*. et 8*d*. de auxilio Ciuitatis ad maritandum filiam Regis; quod consideratione Baronum ideo summatum est per breue quod vicecomiti liberauerunt in thesauro quia particule eiusdem auxilii in uno rotulo comprehendi non poterant.' Compare also P. R. 5 Hen. III, Rot. 9a. tit. Item Ebor. m. 2 (Madox, II. § 2. note l. p. 26) 'Amerciamenta facta per Hubertum de Burgo Iusticiarium . . . Debita huius itineris non sunt in Rotulo sed in pullo,' i. e. in an auxiliary roll known as the 'pullus pipae': some of these are still in existence.

l. 19. **exceptis quibusdam ciuitatibus.** The roll 1 Ric. I (in which the system described in the *Dialogus* is well exemplified) begins with a sheet called the 'Rotulus de Honoribus' containing the accounts of sixteen estates at that time in the king's hands. In the body of the roll there are separate accounts for Waltham, Colchester, Orford, Lincoln, the honour of Tickhill, Higham, Northampton, Benson, the mines of Carlisle, the lands of Hasculf Musard and Hamo de Masci (in Notts and Derby), Windsor, Winchester, Southampton, Bosham, the honours of Arundel and Petworth, the land of Ingram de Mustrel (in Surrey), and Dover. Meons, which has a separate account under Henry II, is by this time reduced to a part of the general account for Hampshire.

l. 29. **Firme . . . tantum.** This distinction between *firma* and *census* does not always hold good. For instance, in the Pipe Roll of 15 Henry II (p. 30) Richard de Luvetot accounts for

£6 12*s.* 2*d.* as the 'census statutus' of the honour of Belvoir for Michaelmas term, 14 Henry III, and for £50 6*s.* 8*d.* for the *firma* of the year ending Michaelmas, 15 Henry II, and the *firma* remained the same until Michaelmas, 18 Henry II. *Census* is clearly applied in this passage to the rents due from tenants for the term immediately following the taking of the honour into the king's hand. The corn (from the demesne manors apparently), 'Bladum maneriorum preter semen,' is accounted for separately at £12 10*s.* 7*d.* As this does not appear again, it must be included in the *firma*. *Census* is also the technical term for the fixed tribute paid by exempt monasteries to the Apostolic See. Again, *census* is applied to the rent of some lands held in 21 Henry II by Alcher the huntsman and Richard his son (p. 79). The author's account is clearly inadequate; and in view of the fact that the *census* of many of the forests, e.g. Nottingham, Cannock, the Dene, the New Forest and Feckenham, and the wood of Orcop, had remained unchanged from 31 Henry I to 21 Henry II, it seems more reasonable to suppose that a *census* is an assessed or fixed rent as opposed to a *firma* which might or might not be altered. But even this distinction cannot be pressed, since in one instance (that of Westbury) the *census* in 21 Henry II was half that received in 31 Henry I.

P. 81, l. 3. 'Aphaeresis est ablatio de principio dictionis, contraria prosthesi, ut mitte pro omitte, temno pro contemno.' Donatus, p. 1772. Translate, 'and by a similar aphaeresis these rents are said to be assessed (*censeri*).' The passage is suspicious, and it is possible that 'per afferesim' should come before 'et sic.'

l. 9. **pretitulatis tamen nominibus.** Cf. e.g. P. R. 21 Hen. II, *Oxford* (p. 13) 'Noua Placita et Noue Conventiones per Randulfum de Glanuill et Hugonem de Creissi.' (N.B. The Pipe Roll Society's edition has been printed from the Chancellor's Roll and collated with the Pipe Roll.)

l. 19. **linea . . . cancellet.** He is to cancel it by drawing a line under it. The usual methods of altering ancient writings are: (1) Erasure (*abradere*), or scraping the words off the parchment and either leaving the space blank, filling it up with a line, or writing the new words over the erasure. (2) Cancellation proper, i.e. drawing a line through the words to be cancelled (cf. I. vi. C, below), or if the entry is a long one drawing cross lines through it. (3)

Underlining as described in the text, perhaps the most usual form of deleting words. (4) Expunging or placing a dot under each letter to be left out. (5) Obliteration (cf. II. ii. B, below), or blotting out, i. e. covering the whole word or passage with ink as a press censor 'bisks' an objectionable passage in a newspaper.

P. 81, l. 19. **in serie**: along the line, not above it as usual. This rule is not strictly observed, as will be seen on reference to the printed Pipe Rolls (cf. P. R. 21 Hen. II, p. 120 *n*, p. 161 *n*, p. 184 *n*. N.B. The so-called C. R. of this year is really the P. R.). It was subsequently renewed in 16 Edward II, almost in the words of the *Dialogus* (Red Book, ed. Hall, iii. p. 858).

l. 21. **scriptis patentibus.** Here, apparently, as in II. ii. B, C, below, simply a public document. Letters patent, as afterwards technically distinguished from charters or letters close, were not differentiated as early as the reign of Henry II. For 'Littere Patentes' in another sense, cf. II. xxvii. C, below.

l. 31. **Cura, labor, studium.** Probably an echo of the 'Epitaphium Senecae':—

> 'Cura, labor, meritum, sumpti pro munere honores,
> Ite, alias post hanc sollicitate animas.'
> Sen. Opp. ed. Haase, iii. p. 482.

P. 82, l. 1. **breuia regis.** The 'scriptor cancellariae' only writes the writs ordered to issue by the barons at the Exchequer, viz. those of 'liberate' or payment, of 'computate' or allowance, and of 'perdono' or pardon; the awkward use of 'nichilominus' suggests that the words 'nichilominus . . . decreuerint' are an afterthought.

l. 18. **H. rex,** etc. The writs printed by Madox (*Hist. Exch.*, x. § 13. note q, p. 268) and Round (*Anc. Charters*, No. 58; P. R. Soc. vol. 10. p. 96), though no doubt similar to Exchequer writs of the period, are neither of them attested at the Exchequer, and must accordingly have been issued from the 'Curia Regis.' Both are writs of *Liberate.*

l. 23. **Oportet etiam.** The sense of this passage is as follows. All writs either of *liberate*, or *perdono*, or of *computate* made at the Exchequer are made in duplicate. The originals when brought back to the Exchequer by the persons in whose favour they are issued, remain, if writs of *liberate*, in the hands of the treasurer and chamberlains as their voucher; those of

computate and *perdono* go into the *foruli* of the marshal. The duplicates of all the writs remain with the chancellor's clerk as evidence of the transaction. The duplicates of similar writs made in the Curia were brought into the Exchequer when it sat, by the 'Clericus Constabularie' (*see* I. vi. D, below). The writ quoted by Madox (p. 268) and referred to above is cited by him 'Ex rescripto Autographi in Archiuis Turris Londoniae.' The document he saw was accordingly such a *contrabreue* preserved in the Chancery. Many instances will be found of the preparation of *contrabreuia* in the printed Close Rolls of the reign of Henry III, from which it appears that at that date *contrabreuia* were only made of the writs to accountants which they would naturally produce at the Exchequer, not of writs to the treasurer or barons. The place of these *contrabreuia* is ultimately taken by the 'Originalia Rolls' (cf. *Rotuli Litt. Claus.* I. p. x).

P. 83, l. 8. **tantum cum rex absens est:** cf. I. v. A, above, and note.

l. 14. **infra . . . in titulo de summonitionibus:** sc. II. i. and ii, below.

l. 16. **non proprio sed alieno nomine:** cf. above, I. iii. A 'omnes quidem dominorum suorum nominibus non propriis militantes.' The clerk of the chancellor is one of the chancellor's staff.

l. 19. **dum sibi propitius est.** Liebermann (*Einl.* p. 8) regards *propitius* as corrupt, relying on the omission of the word by N. We have not however ventured to accept his conjecture of 'prepeditio' against the combined reading of C. and R. It seems more natural to suppose that it means 'when he is gracious to himself,' i. e. gives himself a holiday.

l. 25. **sequitur . . . equis:** cf. Vergil, *Aen.* ii. 724 'sequiturque patrem non passibus aequis.'

l. 35. **cancellet:** i. e. strikes the entries out on the summons as each is paid.

P. 84, l. 1. **factorum:** *sc.* breuium.

l. 2. **summonitiones factas . . . corrigit et sigillat:** cf. P. R. 8 Hen. II, *Hants*, p. 30 'Et pro cera ad summonitiones faciendas et portandum Danegeldum, 14*s.* 4*d.*'

l. 5. **Vtilis hic:** for the contrast between Argus and Polyphemus, cf. Gervasius Tilburiensis, *Otia Imperialia*, ed. Leibnitz, p. 918 'Hunc Argum facit, illum Polyphemum.'

l. 11. **de hiis tantum que ad curiam fiunt:** cf. I. vi.

A, above, and note. The clerk of the constabulary takes the *contrabreuia* into the Exchequer at the terms of the Exchequer, i. e. at Easter and Michaelmas at the beginning of each session.

P. 84, l. 16. **quia propter**: there is no authority for the reading *quapropter maiores* given by Madox. The sense is that neither the clerk of the constabulary nor the chancellor can always attend at the Exchequer, because of more important duties which keep them near the king.

l. 31. **non estimetur . . . illum**: cf. Baruch iii. 36 'non aestimabitur alius aduersus eum.'

l. 33. **magni regis Siculi curia**. Roger II of Sicily, who was succeeded in 1154 by William the Wicked, appears to have encouraged the residence of Englishmen at his court. John of Salisbury, in a letter to Peter abbot of Celle, alludes to the Greek wine: 'quo me Siculus cancellarius ad perniciem salutisque dispendium potare consueuerat' (Ep. lxxv. c. 72. C, ed. Migne).

l. 34. **Surrexit interea . . . illum**: cf. Exodus i. 8 'Surrexit interea rex nouus super Aegyptum qui ignorabat Ioseph.'

l. 36. **latera** is difficult. Probably 'companions.' The passage reads like a quotation, but we cannot trace it.

P. 85, l. 4. **cum fama**: translate 'since bare rumour is less than the very truth'; the reading 'cui' is destitute of all manuscript support, and the indicative mood is not decisive against 'cum.' The sense is that the offers of other princes were 'fama,' those of Henry 'veritas ipsa.' Compare however I. v. Q, above.

l. 26. **cuius supra meminimus**: *sc.* I. iii. D, E.

l. 28. **in scaccario**, 'on the Exchequer table.' On all this passage *see* Introduction, pp. 28 seqq.

l. 30. **vt ponderi respondeant**: translate 'that they may correspond to their proper weight'; there must be no selection of light or heavy pieces as might occur if there were no mixture made.

l. 34. **libram vnam.** The pound is not a pound weight, but 240 actual pence.

P. 86, l. 6. **prestolatur aduentum**: cf. Iudic. ix. 25 'dum illius praestolabantur aduentum.'

l. 10. **vasculum ignitorum cinerum**: a cupel or test made of wood ashes. Like the bone-ash cupels used in modern assaying, these porous vessels absorbed the litharge which ran off from the melting silver. *See* Introduction, p. 30.

l. 26. **si vicecomes cuius est.** An instance is quoted by

Madox (*Hist. Exch.* ix. § 3. *n.* (o), p. 193) in which the Sheriffs of London challenged two successive assays and demanded a third. In this case (which is quoted from the Communia of Trinity Term on the Memoranda Roll of 14 Hen. III) the third assay was not granted, but the sum paid in was provisionally blanched at the rate of 7*d.* in the £, although the assays had given rates of 14*d.* and 12*d.* respectively. The question of the third assay was adjourned till further order.

P. 86, l. 28. **ignis . . . infusione.** These words are difficult to translate and explain, and are possibly the result of a note subsequently incorporated in the text. They are intended to make clear the process described above in the words 'importunis estuationibus vexet illud atque consumat,' and the first part of the passage, 'ignis scilicet ex estuatione,' only repeats those words in a slightly different form. The difficulty is in the words 'plumbi infusione.' Probably they had not much more meaning for the author than they have for us. He admits (*infra*, I. vi. K) that he knew little about the process of assaying, and he may have merely wished to indicate in a vague way that lead was used in it. The ways in which silver might be lost in an assay cannot all be included under the two heads here given. Professor H. Louis, who has been good enough to consider this question for us, suggests that the words 'plumbi infusione' refer to the portion of the process called by the Germans 'eintränken,' i. e. the melting of the silver in the bath of molten lead. The passage is alluded to in one of the appendices to the treatise 'De Moneta' in the Red Book of the Exchequer (Red Book, p. 1006), and is there paraphrased 'vel propter nimiam estuationem *vel aliter*,' showing that the fourteenth-century assayer who wrote the note did not understand 'plumbi infusione.'

P. 87, l. 1. **sicut diximus:** *sc.* I. vi. G, above.

l. 8. **hanc,** *sc.* libram.

l. 9. **sub eodem nomine firme,** 'on the same account, that of the farm'; it should be remembered that only payments under that head were blanched.

l. 21. **taleam alteram.** *See* above, I. v. I, K, and note.

l. 26. **proposuisse me memini,** sc. I. iii. E, above.

l. 31. **Fuerunt autem, etc.** In quoting this opinion our author appears to imply that the money of Henry II was pure silver. As a matter of fact it appears to have been of 'the old

standard of England,' and therefore would loose 18*d.* in the £ on assay even if of full fineness. *See* Introduction, pp. 30 *seq.*

P. 87, l. 33. **que numerata.** The reading of the MSS. seem to be untranslatable, and *quam* is no better. *Cui* makes sense, but is a violent alteration. The reading *que* seems the easiest way out of the difficulty. Translate, 'if the pound when tested falls away more than 6*d.* from the proper weight, while in tale it is of full number.'

P. 88, l. 2. **superscriptio . . . auctorem.** The name of the moneyer formed part of the inscription of English coins until the reign of Edward I.

l. 4. **districte conuenietur,** 'shall be strictly summoned' or 'called to account.' Cf. P. R. 1 Ric. I, *London*, p. 227 'Henricus Anglus reddit compotum de 76*s.* et 8*d.* quia retinuit flatones (*dies*) operis monete in sua custodia postquam remotus fuit a monetagio et quia cambiuit contra assisam (*he coined unlawful money*). In thesauro liberauit. Et Quietus est.'

l. 7. **denarii** seems to be a gloss. All MSS. have *redigetur* and *eius*. The nominative to be supplied is probably *pecunia* or *opus*.

l. 9. **Verum . . . erit.** This passage, from the uncertainty of its position in the text, is obviously a marginal note subsequently interpolated. 'Generaliter peccatur ab omnibus' may allude to the delinquencies of Philip Aymar and his companions, who were royal officials, in 1180.

l. 17. **excedentes legem communem,** 'having more than the usual alloy.' The point is that new money is expected to come up to the standard, while in the case of old money an allowance of 6*d.* is made for wear before the money is condemned.

l. 20. **liberatio naucleri**: the word 'nauclerus' is a classicism. The holders of the office can be gathered from the charter, *Campbell Charters*, xxix. 9 (B. M.), by which king Henry II (circa 1155) grants to William and Nicholas, sons of Roger, son-in-law of Albert, and the heirs of Boniface, Azo, Robert and Ralph their brothers, 'ministerium meum de esnecca mea,' with the salary pertaining thereto, and all the land and fees which Roger held in chief of king Henry I. The word 'esnecca' is of Scandinavian origin, meaning snake or fast ship used for war.

l. 30. **Non satis noui, etc.** During the progress of the assay the bright surface of the molten silver is hidden by the melted litharge which floats on it, forming the black cloud spoken of; towards the end of the 'cupellation' this cloud

disappears, leaving the bright surface of the silver free; this is now known as 'brightening.'

P. 89, l. 1. **A quibus vel ob quam.** As there has been some controversy about this obscure chapter, we give here a brief statement of our conclusions, referring to the Introduction (pp. 31 seqq.) for the arguments on which they are based. Originally the officers of the king's household called directly upon the tenants of the royal manors to supply the king's household in kind; and the sheriff of each county was allowed for these supplies after a fixed valuation when he accounted at the Exchequer. This arrangement broke down, (*a*) because the king wanted payment in money rather than in kind, (*b*) because, like all systems of direct purveyance, it was a burdensome form of taxation. For it was substituted a system under which payments in money through the sheriff were substituted for direct payments in kind, and the farms of the counties came into existence. If for 'came into existence' we substitute the words 'were revised' the account here given is probable enough.

l. 3. **paulo . . . est:** cf. Cic. *in Verr.* iv. 105 'paulo altius ordiri.' Another possible echo of Cicero occurs on the next page. We have not however ventured to adopt R's reading.

l. 10. **placitis . . . vel conuentionibus:** cf. *infra*, II. xii. A 'Placita autem dicimus poenas pecuniarias in quas incidunt delinquentes: conuentiones vero oblata spontanea.'

P. 90, l. 9. **Nec . . . opinio:** cf. Cic. *in Verr.* iv. 86 'fefellit hic homines opinio.'

l. 14. **in veteribus annalibus rotulis.** The expression 'ad scalam' does not occur in the Pipe Roll of 31 Hen. I, *see* Introduction, p. 36, *n.* 3. It should be observed that the roll of 31 Hen. I was not unique at the time of the *Dialogus.*

l. 19. **Nescit . . . gratia.** This is not from the Vulgate, in spite of the 'quod scriptum est.' Its source is unknown to us.

l. 22. **Paupertas . . . virorum:** cf. Lucan, *Phars.* i. 165

'fecunda virorum Paupertas fugitur';

and note the play on the name of Roger le Poer. Cf. Liebermann, *Einl.* p. 15. *n.* 1.

l. 28. **Traducem.** The reading 'per traditionem' has no manuscript authority. 'Tradux,' classically, is a shoot of vine. In its mediaeval sense it implies the corporeal continuity of father and son. The Pelagians, who held that original sin standeth 'in

imitatione Ade,' dubbed the catholics, who affirmed that it was an inherited taint, 'Traduciani.' Here the author says that he acquired his knowledge by direct inheritance, i. e. from Nigel of Ely his father.

P. 91, l. 15. **Non. Sed:** compare the other account, above, I. i. B.

l. 25. **Quale . . . probabit:** cf. 1 Cor. iii. 13 'et uniuscuiusque opus quale sit, ignis probabit.'

l. 33. **obliuionis iniuria:** translate 'forgetfulness came upon you, and you passed him over.'

l. 36. **Nosti,** etc.: cf. I. iii. G, above.

P. 92, l. 9. **verbum ambiguum.** This appears to be a description of the original form of the Court of Exchequer Chamber, as exercising the function of deciding doubtful questions arising during the progress of the audit. 'Verbum ambiguum' is properly a word capable of two meanings, but here *verbum* is a plea: cf. Ebrardus Bethuniensis, *Graecismus* (1124), (Dufresne, *Glossarium*)

'Hoc nomen *verbum* designat quatuor ista;
Est deceptio, pars, filius dei, atque *loquela*.'

l. 15. **Liberum etiam,** etc. The usher has power to exclude unauthorized persons from the 'Thalamus,' or Exchequer Chamber, and probably from the Exchequer also. The persons, who have free access to both, are those who sit at the Exchequer 'virtute officii' or by direct commission from the king. Those who 'alieno nomine militant' appear to be excluded from the 'Thalamus.' Those in authority, 'auctentice,' cannot decently appear in public unattended (Becket's dismissal of his cross-bearer at Northampton is a case in point); they may accordingly bring one or two attendants into the outer Exchequer, but no further. Such attendants, as well as those who have seats at the Exchequer on behalf of their masters, may however be called in if the king's business demands it.

l. 27. **easdem defert:** P. R. 3 Hen. II, *Oxfordshire*, p. 82 'Et clerico qui portauit summonitiones, 8*s*.' P. R. (C. R.) 11 Hen. II, *London*, p. 31 'Et Roberto de Tocha et Rogero Ostiario 1 marcam ad portandum summonitiones vicecomitum per breue Regis' (cf. P. R. 12 Hen. II, pp. 105, 130).

l. 29. **circumquaque:** *ubicunque* in Madox's text is a misreading of the abbreviated form of *circumquaque*.

P. 93, l. 3. **parcat lingua detractoris.** Cf. Sap. i. 11 'A detractione parcite linguae.' Up to this point the author has

merely been describing the Exchequer, and thus has been able for the most part to write semi-classical Latin. He now comes to the privileges of those who sit there and apologizes for the barbarous law terms he is forced to use. He feels that if he went on using 'conficta nomina' such as 'miles gregarius,' his work would become quite unintelligible.

P. 93, l. 6. **exquisito verborum scemati,** 'a nice derangement of epitaphs.' *R. B. Sheridan, The Rivals.*

l. 12. **emula mens vel lingua:** cf. Horat. *Epist.* I. xix. 15 'Timagenis aemula lingua.'

l. 13. **qui in scriptis . . . mittat:** cf. Ioan. viii. 7 'Qui sine peccato est vestrum, primus in illam lapidem mittat.'

l. 16. **Dignitas residentium.** On the exemptions enjoyed by Exchequer officials in virtue of their office, cf. Madox, *H. E.* xx. § 7. p. 554, where numerous illustrations are given. Dr. Liebermann (*Einl.* p. 63. *n.* 9) adds to the list of privileges the right of having writs issued gratis; quoting Walter Map (*D. N. C.* p. 231) 'Mos curiae nostrae fuit, ut gratis fierent et redderentur breuia sigillata ministris curiae quae nomina sua vel negotia continerent.'

l. 20. **non euocantur.** In a case reported in Bracton's *Note Book* (Easter and Trinity Terms, 3 Henry III), where an assize of Mort d'ancestor was taken on behalf of Thomas de Wilne against Master Robert de Neville, the following note is made 'et sciendum quod hec assisa ponitur apud Westmonasterium pro libertate baronum de scaccario qui non debent alibi placitare.' Maitland, *Bracton's Note Book,* Case 25. The privilege may be regarded as analogous to the Essoin 'per seruitium domini Regis'; *see* Glanvill, i. cc. 8 and 27; but Glanvill in his treatment of the subject does not refer to the Exchequer.

P. 94, l. 2. **iter . . . arripere:** translate 'even though the one day be so near to the other, that he be compelled to start on his journey.'

procuratorem vel responsalem, 'a proctor or an attorney.' 'Procurator' is an agent in an ecclesiastical, 'responsalis' in a civil court. The latter word, which Glanvill employs (lib. xi), subsequently gave place to 'attornatus.' 'Attornare' and 'Atturnatio' are however found on the Pipe Rolls (P. R. 12 Hen. II, p. 18; P. R. 14 Hen. II, p. 222), so that it is probable that both Glanvill and Richard Fitz-Nigel are making a concession to 'classical Latin.'

l. 6. **nomine consuetudinis nichil soluunt.** The word *consuetudo* covers all kinds of customary payments, such as

market-tolls, lastages, prisage, and all the other varieties of payment either due to the king or to private owners; and more especially the customs revenue collected by the king's authority. Exemptions were possessed under charter by most religious houses, and in large measure by the citizens of all boroughs. The word *vectigal* must not be pressed so as to narrow the privilege to exemption from royal taxation only. Instances of this privilege of Exchequer officials will be found in Madox, *H. E.* xx. § 7. pp. 559 sq.

P. 94, l. 18. **regi cui militatur:** the offence consists in interfering with the king's servants in the execution of their duty; *militatur* is of course passive.

l. 28. **non equis aspicit oculis,** 'cannot endure.' L. and S. quote 'aequis oculis videre' from Q. Curtius, viii. 2. 9. 'Incentor malorum diabolus' and 'addente stimulos Sathana' are current phrases in papal bulls and other ecclesiastical documents.

l. 34. **in cuius manu ipsum est:** cf. Prov. xxi. 1 'Cor regis in manu Domini.'

P. 95, l. 4. **Mors . . . lingue:** cf. Prov. xviii. 21 'Mors et vita in manu lingue.'

'Lingua . . . exaltat.' Iacob. iii. 5.

l. 7. **communes assise.** This seems to be the term for any assessment made on the county as a whole, whether for purposes of taxation in which case it is equivalent to the 'Donum Comitatus' of P. R. 2 Hen. II (1156), p. 59, or by way of amercement as in the following case, P. R. 17 Hen. II (1171), p. 29, *Lancaster* 'Idem vicecomes debet 112*s*. et 8*d*. de Communi Assisa Comitatus de Lancastra pro defectubus et misericordiis' (cf. Madox, *H. E.* c. xvii. § 2. p. 484). For 'iusticiis errantibus,' cf. below, II. ii. F. The words *deambulatorios* and *perlustrantes* are only an attempt at classical Latin.

l. 11. **per hidas:** cf. I. xi. D, below, and note.

l. 12. **scaccarium solutionis,** the Exchequer (i.e. the session of the Exchequer) at which payment must be made.

l. 14. **non solum . . . feodis suis,** 'not only the land they hold in demesne and cultivate themselves, but also the land held of them by under-tenants.'

l. 16. **ad firmam,** 'at a fixed rent, or in keeping under no settled conditions, or as a pledge.' The point is that under these conditions he is not the owner.

P. 95, l. 24. **Caueat autem.** Normally the levying of money

under any pretext from a land-owner gave him a right to make a similar levy on his under-tenants. But if the chief lord were free from any particular exaction, he was not allowed the use of this privilege. Cf. below, I. xi. F. In the case of scutage the writ 'De scutagio habendo' rests upon this principle; the lord who pays scutage, may collect scutage; if he does his service in person, he must get a special writ to enable him to do so.

l. 26. **'Dimittite et dimittemini.'** Luc. vi. 37.

l. 27. **'euangelice emulator doctrine.'** Cf. Matth. xviii. 23 seqq.

P. 96, l. 34. **virum itaque,** 'and so to a man of much skill in this matter'; the 'utique' of editors since Madox may be right, but it has no manuscript authority.

l. 35. **cuius . . . in eternum.** Cf. P. R. 15 Hen. II, *Cambs. and Hunts.* (p. 145), A. D. 1169 'Nigellus Elyensis Episcopus reddit compotum de 50 marcis de promissione sua ad maritandum filiam Regis. In thesauro 30 marce. Et debet 20 marcas. Set mortuus est et Requiescat in pace.' The final clause of this entry is believed to be singular, and was possibly due to the filial piety of our author himself (*see* Liebermann, *Einl.* p. 63. *n.* 7).

P. 97, l. 9. **bellica tempestate:** i.e. the civil wars of the reign of Stephen. It is possible that there were no sessions of the Exchequer during the period of confusion in Stephen's reign; at any rate the Pipe Roll of 2 Henry II shows that the finance of the kingdom was only emerging from confusion at that date. *See* transactions of the R. Hist. Soc. vol. xii. p. 117; *The Sheriff's Farm*, by G. J. Turner.

l. 10. **velut alter Esdras.** A trifling slip. The reference is to 2 Macc. ii. 13 'Inferebantur autem in descriptionibus, et commentariis Nehemiae haec eadem: et vt construens Bibliothecam congregauit de regionibus libros, et Prophetarum, et Dauid, et epistolas Regum, et de donariis.'

l. 16. **aures audiendi:** Matt. xi. 15; Marc. iv. 9; Luc. viii. 8; Apoc. ii. passim.

l. 19. **'habens sibila serpentis':** cf. Sap. xvii. 9 'Serpentium sibilatione commoti.'

l. 22. **quidam constitutas.** These do not usually appear on the Pipe Roll, being paid out of the treasury and not out of farms. In one case it appears that the chancellor received 5*s.* a day while he sat at the Exchequer. In this instance he was

unable to be present, being on the king's business, but received a compensating allowance (P. R. 31 Hen. I, p. 140 'In liberatione eiusdem Cancellarii de .xliii. diebus in quibus non fuit ad Scaccarium cum aliis baronibus Regis £10 15*s*.').

P. 97, l. 23. **fundos habent.** These *fundi* appear on the Pipe Roll as *Terre Date*. A familiar instance is the estate called Highworth or Sevenhampton in Wilts, which the family of Fitz-Gerald held by the serjeanty of the chamberlainship of the Exchequer (Round, *Commune of London*, p. 83); also Amesbury, where a rent of £20 blanch held in 21 Hen. II by Hugh Hose reappears in 1 Ric. I, as having been held successively by Stephen de Camera and the wife of Alan de Nevill.

l. 31. **Architophel.** We cannot identify the councillor, but an inspection of Pipe Roll 31 Henry I shows that the incident took place before 1130.

P. 98, l. 9. **indulserat omnium.** The passage does not clearly explain the privilege granted, but a comparison with the writ quoted below shows that the *denarii* are moneys due to the king as judicial amercements. Instances may be quoted from the Pipe Rolls, e. g. 'Idem vicecomes reddit compotum de una marca de Lodningehundredo quia negauerunt quod prius dixerunt. In thesauro xj.*s*. Et in perdonis per breue regis Militibus de Templo 1.*d*.' Pipe Roll 1 Ric. I, p. 51. The same phrase is employed in cases of 'murdrum.' From the same roll, p. 126, may be quoted an instance of amercement *pro defectu*: 'Idem vicecomes reddit compotum de dimidia marca de Thoma de Sancto Mauro pro defectu; et de una marca de Ricardo filio Tedrici pro eodem. In perdonis per breue regis militibus de Templo xx.*s*.' On the other hand, in items relating to the forest the phrase is still *in perdonis per libertatem carte*. But *see* II. xii. C, below, and note.

P. 99, l. 5. **scutagium.** Land granted out by the king to hold by military service is valued in terms of 'knights'; it is to be held by the service of one knight, or half a knight or such units and fractions of knights as the king may determine; the grantee is then bound to find for the feudal army that number of fully armed horsemen (*milites*), to serve for a period of forty days, and this service is the *seruicium debitum* of the particular fee. It was within the power of such a tenant to enfeoff sub-tenants in his lands to perform his service, but the number of knights so enfeoffed bore no necessary relation to his *seruicium debitum*. It

is clear that if enough sub-tenants had not been enfeoffed, the chief lord would have to hire soldiers to perform his service; and in the case of ecclesiastical fiefs there was always a doubt whether their holders were bound to serve the king except in defence of the realm. These two difficulties seem to have formed the point of departure for a system, whereby the lord, instead of performing his service, paid to the king a commutation for it. In the case of ecclesiastical fiefs this procedure can be traced as early as the year 1109; in the case of lay fiefs the evidence does not carry us earlier than the year 1159. *See Feudal England* by J. H. Round, pp. 262 sqq., 532, 533; *Scutage and Knight Service in England*. J. F. Baldwin (Chicago, 1897).

P. 99, l. 5. **Ab hac . . . residentes.** In view of the doubt cast by Madox on this statement in his note we quote from the Pipe Roll of 18 Hen. II the names of the following exchequer officers exempted 'per breue Regis' in that year: John the Marshal (p. 15), Ranulf Glanvill (p. 31), Henry Fitz Gerald (p. 44), Richard de Luci (p. 140). Most of these names recur.

l. 7. **Murdrum.** The history and administration of the 'murder-fine' are obscure. The Exchequer theory at the date of the *Dialogus* was that for every homicide done secretly, so that the perpetrator was undiscovered, the hundred was liable to a fine of £36 or £44 to the king; that this was introduced by William the Conqueror to put a stop to the frequent 'murders' of Normans after the conquest; that originally only 'murders' of Normans were so punished, but that the gradual fusion of the two races had made this distinction almost impossible except in the case of men of unfree status. In several points this account is incredible, but it is difficult to construct a tenable theory in its place. If we turn to earlier authorities on the subject, such as the *Leges Edwardi Confessoris*, 15, 16, *Leges Willelmi*, I. 22, III. 3, and the *Leges Henrici* XIII. 2, LXXV. 7, XCI and XCII, we find details not mentioned in the *Dialogus* to as the liability of the township, or the lord, whose man the murdered person was, or in some cases the chattels of the house where his body was found, the hundred sometimes being only liable to make up the deficiency; there are also statements as to the rights of the kinsmen, and a general agreement that the amount of the fine was forty-six marks of silver. If from these doubtful and differing authorities we turn to the Pipe Rolls we find, firstly, that the fine is always levied

on the hundred; secondly, that its amount is far smaller than either the forty-six marks of the lawyers or the estimate of the text. In 31 Henry I the amounts vary from seven to twenty marks; in 5 Henry II the amounts are slightly lower; in 21 Henry II they vary from one to ten marks; and by 1 Richard I the fine is seldom higher than three marks. There is no indication that any legal payment at any time was made to the kindred. Even the origin of the institution is doubtful; the *Leges Edwardi Confessoris* attributes it to Cnut, and certain passages in the law-books seem to point to an English or Scandinavian origin. On the whole, however, we may accept the 'murder-fine' of the Pipe Roll as dating from William I, as due from the hundred, and as a varying amount which gradually decreased until its complete abolition by the statute of 14 Edward III (Stat. 1 c. 4). *See* Liebermann, *Ueber die Leges Edwardi Confessoris* p. 108; Pollock and Maitland, *History of English Law*, II. 481, 485; Madox, *H. E.* c. xiv. § 6 (p. 377), § 3 (p. 374). Several cases of 'murdrum' will be found in the Eyre Roll of 6 Ric. I (Pipe Roll Soc. 14. pt. II), where the corresponding entries in the Pipe Roll have been printed (pp. 115 sqq.). One case (p. 98) appears to suggest that the person murdered must be over fifteen years of age. *See also* Chadwyck Healey, *Somersetshire Pleas*, pp. lviij. and lxxvij.

P.99, l. 18. **Normannus.** This must not be pressed; the term for instance in the *Leges Henrici Primi* is 'Francigena'; the Pipe Roll of 13 Hen. II, p. 200, records the payment of the fine for the murder of 'unius Flandrensis.' The term 'Francus' or 'Francigena' is the early term for the French-speaking foreigners William brought with him among his new subjects the 'Angli.'

l. 20. **argenti examinati.** The 'murdrum' appears in the Pipe Rolls of Henry II and later kings as being paid *numero*. In the Pipe Roll of Henry I the sum, in accordance with the language of the time, is usually expressed in marks of silver. The author of the *Dialogus* may have argued from this mode of expression that originally the payment was exacted in assayed silver, but he was probably in error on this point.

l. 34. **vix decerni possit.** The hundred escaped the murder-fine if the coroner's jury presented that the deceased was English; but, as the text points out, proof of this was difficult in the case of persons of free status.

P. 100, l. 11. **Licet hec.** This passage purports to be an ex-

planation of the settlement made after the Conquest. It is not historical in form, but rather a legal theory of the history of the changes then made. According to this view all the English landholders who had actually resisted William, lost their lands at once and for ever, a statement which facts recorded in Domesday show to be very probable; those who had not taken part in that resistance (the great majority) remained in possession of their lands, but found themselves mere holders at will under foreign lords with no inheritable interest. Evictions of these precarious tenants produced a royal decree giving them a new title enforceable against their lords and recognizing two classes of tenure, viz. tenure by the favour of the lord, *meritis exigentibus*, and tenure under a contract, *interueniente pactione*. Now it is clear that this passage is not applicable to tenants in chief, and that it does not refer to the process by which men 'bought' their lands from William (*A. S. Chronicle*, a° 1066): but that it describes the establishment of legal relations between the lord and under-tenant by royal authority. A close parallel will, however, be found in the famous passage in Bracton f. 7b, where he discusses, not the condition of English landowners after the conquest, but that of certain tenants within manors of royal demesne. Bracton tells much the same story; these tenants, free at the conquest, were ejected by their new lords, restored in a worse condition, and provided by the crown with a legal remedy. These tenants also were of two kinds, those who held with a special agreement, and those who had none. Bracton's account, again, is a legal theory of history rather than history. The problem suggested by this parallel is double; firstly, are the two authors thinking of the same set of facts? and secondly, was Bracton acquainted with this passage? The second question is one for commentators on Bracton; but in answer to the first it may be pointed out that it is almost incredible that a theory which Bracton applies to an exceptional class of small holders on the royal demesne can be equally applicable when extended to every landholder in the country. It may be suggested that the *Dialogus* has set out to tell one story and ended by telling another. Another and apocryphal version of the story will be found in the passage quoted by Wilkins (*Leges Anglo-Saxonicae*, p. 286) from a manuscript pedigree of the Sharneborne family, subsequently printed by Gibson in his *Reliquiae Spelmannianae*. Here it is asserted that the Conqueror ordered such tenants to be called 'Drengs' [a Danish

term; cf. Spelman, *Gloss.* s.v. 'Drenches']. Cf. Stubbs, *Constitutional History* (1891) I. 281 *nn.*, Pollock and Maitland, *Hist. English Law*, I. 372 sq., 381. For the general questions raised by the two passages, cf. Maitland, *Domesday and Beyond*; Vinogradoff, *Villeinage in England.*

P. 101, l. 10. **hoc . . . iudiciario.** The 'titulus de libro iudiciario' is chapter xvi below, whereas that on 'centuriata, etc.' is chapter xvii. The use of the word 'titulus' does not necessarily imply any formal division into chapters; but there can be little doubt that the words bracketed are only a gloss.

l. 13. **Insula nostra suis,** etc. Cf. John of Salisbury, *Pol.* VIII. vii. (734, B, Migne) 'Defluxit ergo in insulam opulentam, et quae fere sola bonis suis est in orbe contenta, quidquid magnificentiae imo luxuriae potuit inueniri.' Cf. also 'Commendatio Britannie' printed in Ralph de Diceto, *Opera* I. 10. (Rolls Series) 'Britannia sicut legitur inter insulas omnes est vel prima vel maxima; quam natura benignior adeo reddidit ad inhabitandum acceptam vt quicquid vsus desiderat vel appetit luxus, ex ea proueniat aut aliunde transuehatur ad eam.' The verses are probably the author's own.

l. 17. **Furem preciosa signata sollicitant.** Cf. Seneca, *Epist.* 68. § 4 'Furem signata sollicitant.'

l. 21. **fugas aggrediebantur equoreas.** Professor Liebermann (*Einleitung*, 31 note 7) considers this a reminiscence of Vergil. We have not identified the passage.

l. 25. **aliquid . . . historia.** The reference is to the mythical king Danus, in whose right the Danes claimed the island of Britain; since, while the British kings held of the Emperor, Danus held of God only: *see* Gaimar, *L' Histoire des Engles*, vv. 208 sqq., 4317 sqq. Prof. Liebermann suggests that the book quoted may be Gaimar or the source from which both Gaimar and Geoffrey of Monmouth drew. If not, he is inclined to regard the passage as merely referring to the fact of the Danish invasions, and compares the Introduction to Henry of Huntingdon's fifth book. (*Einl.* pp. 102, 103). Of these three suggestions the second seems the more probable. 'Danus' was of course familiar to Scandinavian annalists (e. g. *Saxo Grammaticus*) at this date.

l. 27. **Ad hos igitur arcendos.** The account of the *A. S. Chronicle* anno 991 is that the original object was to buy off the Danes. The account in the *Dialogus* is no doubt copied from

Legis Edwardi Confessoris cap. 11, which asserts that Danegeld was raised to pay soldiers to keep off pirates, and was paid annually at the rate of 12*d.* the hide, thus confusing Danegeld with 'Heregyld' (cf. Liebermann, *Einl.* p. 107). Neither author was aware that it was abolished by Edward the Confessor and was not paid annually in pre-Norman times. Cf. *Leges Henrici*, cap. 15, and Liebermann *Ueber die Leges Edwardi Confessoris*, Halle, 1896, § 41. As to the method of the assessment of Danegeld cf. Round, *Feudal England*, p. 91.

P. 102, l. 3. **Cum fortis . . . possidet.** Luc. 11, 21. It is not strictly true that there were no invasions of the 'Danes' during William's reign, but the typical piratical incursions had ceased for some years before the conquest.

l. 6. **noluit hoc vt annuum solui.** The account of Danegeld here given is inconsistent with the entries observed by Madox in the Pipe Roll of 31 Hen. I, where Danegeld appears as paid annually (*H. E.* c. xvij. § 1, p. 475). Under Henry II it was collected only in the second and eighth years of his reign. An entry occurs in the Pipe Roll of 20 Henry II (p. 115) of the amercement of Osbert de Brai 'quia prohibuit Danegeldum dari de dominiis': and in the next year Elias the usher received one mark 'ad portandum summonitiones de Danegeldo per Angliam' (P. R. 21 Hen. II, p. 15). But it is not clear that any Danegeld was actually collected at these dates. In all probability the tax was practically obsolete at the date of the *Dialogus*.

l. 10. **bella vel opiniones bellorum:** cf. Marc. 13, 7 'Cum audieritis bella et opiniones bellorum.'

l. 16. **dominia.** The definition here given of demesne differs from that in use in later times. It means all the land which has not been granted out in fee, and thus includes all land held by servile tenants. At a later date land held by a man *in dominio* is the land actually in his own hands, land held *in servicio* is the land held of him by whatever tenure.

l. 25. **essartis forestarum**; barons of the Exchequer are not liable for the annual payment due by way of fine from those who have cleared and tilled land in the royal forest, provided that such clearing was made before the death of Henry I. This is disputed by some who point out that such payments arise from offences, pardon for which must be by special writ. But, on the other hand, the penalty is a fixed one, and is charged on the land not on the

offender. It is therefore analogous to the *communis assisa*, from which the barons of the Exchequer are also free. The sums of 2*s*. or 1*s*. must not be pressed; they are only by way of example. The entries of the payments on the Pipe Roll show that the *communis assisa* was fixed for the county and distributed *per hidas*. Cf. Pipe Roll 15 Henry II, where several instances of *communis assisa* occur. The sums vary from 40 to 400 marks; and the payment is an amercement upon the whole county. See also above I. viii. D and note. A fuller account of Assarts and of the 'Regard' will be found in Mr. G. J. Turner's *Select Pleas of the Forest* (Selden Society), pp. lxxv–lxxxvii.

P. 103, l. 27. **Legrecestrie comitem Robertum.** Robert de Beaumont 'le Bossu,' second earl of Leicester. Justiciar 1154–1167.

P. 104, l. 1. **presidentis dignitatem,** the office of Justiciar. *Praeses* or *praesidens* is the term used in the Digest and the Code for the governor of a province.

l. 2. **imminente visitatione nemorum.** It seems probable that this incident took place in 1166–7 (13 Henry II) since it appears on the Pipe Roll of that year that Alan de Nevill held pleas of the forest throughout England, and a considerable portion of the roll is taken up with amercements made on that occasion. In this year the Earl of Leicester is mentioned repeatedly in the *Pleas of the Forest* as having pardons *per breue Regis*, as are various other persons connected with the Exchequer, including the Treasurer (presumably Richard Fitz Neal) for Froxfield in Wiltshire, the bishop of Ely, the Archdeacon of Poitiers (but this case is doubtful), Humfrey de Bohun (who paid relief in this year and was presumably Constable), John the Marshal, Alan de Nevill himself, William Mauduit and Henry Fitz Gerald the Chamberlains, Ralph Fitz Stephen, and some others whose connexion with the Exchequer is uncertain. A note to the schedule of combustions attached to the Chancellor's Roll of the same year mentions that 'Ricardus de Neuilla est niger et malus homo.' His name suggests that he was one of the *Alanii* of whose extortions the Earl of Leicester complained. The objection of the barons applied to the *production* of the writ; probably every one of them had charters of exemptions for their lands, from waste and regard of the forest.

l. 3. **reguardam.** This seems to have been a somewhat

unpopular inquiry: cf. P. R. 17 Hen. II (1171) p. 30, *Lancaster*, 'De placitis Alani de Neuilla.'—'Totus comitatus de Lancastra debet 200 marcas vt visus foreste poneretur in respectum vsque ad aliam reguardam foreste.' At such an inquiry all essarts made in the interval would be examined and arrented, i. e. the holders of them charged with rents and fined. In all charters of disafforestment the regard is specially mentioned as abolished.

P. 104, l. 5. **apposito numero . . . exurgebat:** cf. II. c. ix. below where the reason of this precaution is explained.

l. 7. **stupebant . . . dicentes**: cf. Matt. xii. 23 'Et stupebant omnes turbae et dicebant: Numquid hic est filius Dauid?'

l. 14. **per locum a maiori.** By the commonplace, or argument 'a fortiori.' 'Locus' translates τόπος; the term 'locus a maiori' appears to be borrowed from the Classification of the Topics by Themistius (cf. Boethius, *De Differentiis Topicis*, ed. Migne, 2. c. 1204 C.).

l. 27. **Alaniorum.** This word is very difficult to explain. There is no trace of corruption in the manuscripts, and Madox's conjecture of *aliquorum* appears untenable. Liebermann (*Einl.* p. 8) suggests *balliuorum* which seems little better. The late bishop of Oxford, retaining the reading of the text, suggests that the word may be 'alanorum' from 'Alanus' a hunting dog. We are inclined to suspect that the reference is to Alan de Nevill, Chief Justice of the forests under Henry II, who appears repeatedly on the Pipe Rolls and who held pleas in 9 Hen. II and 12 Hen. II. There was also an Alan de Nevill junior connected with the forest administration. If the reading is to be altered 'Alanorum' might be suggested referring to the two Alans; but it seems better to retain 'Alaniorum' and explain it as a derivative from 'Alanus,' meaning 'minions of Alan de Nevill.'

l. 34. **mihi restituta est summa.** Nigel, bishop of Ely, retired from public life in consequence of an accident in 1164 and died in May 1169. If the transaction here recorded took place during this period it is presumably that recorded on the Pipe Roll of 13 Hen. II p. 167 (Mich. 1167), in the account for Cambridge and Huntingdon,—'Idem vicecomes reddit compotum de 40*s*. de Sumeresham et de Bluntesham Episcopi de Eli. In perdonis per breue Regis ipsi Episcopo 40*s*. Et Quietus est.' The entry occurs amongst the 'Noua Placita et Noue Conuentiones per Alanum de Neuilla,' and one of the other entries under the same head refers

to an essart. The purprestures are entered separately. Liebermann remarks (*Einl.* p. 13) that Richard supplied Nigel's place as being Treasurer, and paid the money back to the villeins as Nigel's son and archdeacon of Ely.

P. 105, l. 19. **non communi regni iure.** The forests were outside the jurisdiction of the common law and separately administered. Cf. Stubbs' *Const. Hist.* I, p. 402 sq.

l. 21. **non iustum absolute.** Another Exchequer official Walter Map is even more severe (*D. N. C.* p. 7) 'Rex (i. e. Henry II) . . . forestarios non deleuit, sed adhuc nunc post mortem suam sitant coram leuiatan carnes hominum et sanguinem bibunt; excelsa struunt, quae nisi Dominus in manu forti non destruxerit, non auferuntur hii.' [*Quaere legendum* 'sicut anticorum Leviatan.'] The expressions 'absolute' and 'secundum legem foreste' were probably suggested to the author by his logical training.

l. 22. **In forestis etiam,** etc. With this may be contrasted John of Salisbury's denunciation of hunting (*Polycraticus* I. iv); but even he admits that 'Qui otii inertiam vitant, qui gerendis negotiis disponunt membra dum laboribus assuescunt, qui vitiosam corporis fugiunt molem, seruata in omnibus dignitate personae, iustae reprehensionis non patiuntur aculeos' (*ibid.* c. 397, C. ed. Migne).

penetralia regum. Cf. Verg. *Aen.* ii. 484 'Adparent Priami et veterum penetralia regum,' and Psal. 104, 30 'Edidit terra eorum ranas in penetralibus regum ipsorum.'

l. 28. **Ab vngue primo**: cf. Horace, *Carm.* III. vi. 24 'De tenero meditatur ungui.'

praue pudentis: cf. Horace, *A. P.* 88 'Cur nescire pudens prave quam discere malo?'

l. 32. **Foresta.** The author's etymology is as usual fanciful. The word is connected with the Latin *foris*, *forinsecus*, &c.

P. 106, l. 7. Isidore of Seville (*Opera* IV. 310) says 'Occatio est cum rustici, satione facta, bubus dimissis, grandes glebas caedunt et ligonibus frangunt.' Our author, notwithstanding his reference to Isidore, obviously understands it as 'stubbing up' or 'clearing.' Cf. also Lewis and Short, s. v.

l. 13. **vastum.** P. R. 13 Hen. II., *Hants.* Pleas of Alan de Nevill 'Ricardus Fuillet reddit compotum de 20 marcis pro . . . et pro molendino firmato in foresta et pro salina facta in foresta; et pro wasto nemoris.'

P. 106, l. 20. **Figuraliter,** 'in outline.' Boethius translates ὡς τύπῳ λαβεῖν (Arist. *Top.* I. 7, 1) by 'vt figuraliter sit sumere' (*Top. Arist. Interpret.* i. 6. ed. Migne. 2. c. 914. C).

l. 21. **terminum . . . constitui.** Cf. Ps. ciii. 9 'Terminum posuisti quem non transgredientur.'

l. 22. **Proni enim . . . promouendam.** Cf. Rom. xi. 13 'Ministerium meum honorificabo.'

l. 32. **si bene memini:** compare I. v. D. above for the allusion to the seal. There is a mention of Domesday Book in I. iv. A. on which see note.

P. 107, l. 3. **Vbi . . . tuum:** Matt. vi. 21.

l. 5. **auri thesis.** This derivation is Isidore's, *Etym.* xvi. 18.

l. 23. **supra:** cf. I. v. D; for the chancellor's deputy or vicar, cf. I. v. E, I. vi. D. above.

l. 25. **deambulatorio.** The seal of the 'curia' followed the king. The seal of the Exchequer followed the sessions of the Exchequer. But, in some cases, in the absence of the King abroad the seal of the Exchequer was used for sealing chancery writs; cf. Patent Roll 14 Henry III part 2. m. 2 'Hic incipit sigillum de Scaccario currere post transfretacionem Regis.'

l. 30. **Henrico quondam . . . episcopo.** Henry of Blois (c. 1100–1171), brother of King Stephen and bishop of Winchester (1129–1171). It seems possible that Richard the treasurer cites him as the source of his information by way of implying that it was not derived from Roger of Salisbury. Henry's age and his residence at Winchester would give a special value to his statement.

l. 35. **decreuit,** &c. The chapter must be regarded as a piece of conjectural history. It pieces together the tradition of the Witan of 1070 preserved in the introduction of the *Leges Edwardi Confessoris*, the fact of the diversity of English laws mentioned in the *Leis Willelme* and the fact of the existence of Domesday Book, into a connected story. Of these constituents the first rests only on vague tradition and is most probably the invention of a writer about 1135 (Liebermann, *Ueber die Leges E. Cf.* § 34), and neither the first nor the second has any known relation to the third. Again, the object of Domesday Book was undoubtedly the assessment of Danegeld (cf. Maitland, *Domesday Book and Beyond*, p. 3), and the assertion that it was intended to define the rights of individuals most probably rests on its later use to decide whether a given manor was or was not 'Ancient

Demesne.' For a curious example of this use *see* Statutes of the Realm 1 Ric. II, c. 6.

P. 107, l. 35. **iuri scripto.** This is not of course a reference to the Roman Law, which is frequently referred to on the continent as 'Ius Scriptum', but probably to the 'Leis Willelme' (*Leges Willelmi* I), a code drawn up by some private person after the Conqueror's time and attributed to him (cf. Liebermann *loc. cit.*, Pollock and Maitland, *H. E. L.* i. p. 79). The terms 'Merchenelage, Denelage, Westsaxenelage' occur in the Latin version of 'Leis Willelme' (*Leges Willelmi* I. 2).

P. 108, l. 3. **Neustrie.** The allusion is probably to the 'murdrum' and the 'view of frank-pledge.' *See* above I. x, and for frank-pledge, Liebermann, *Leges Edwardi Confessoris*, § 58. But neither institution is known to have prevailed in Normandy.

l. 10. **verbis communibus annotata**: i. e. no attempt was made to represent English or Anglo-Latin words by classical equivalents.

l. 12. **Fit autem descriptio.** This account of Domesday Book shows that our author saw it as we now have it. Each county is divided into numbered chapters setting out successively the lands of the King and of the various tenants in capite. Within these chapters the description proceeds by hundreds as a rule, and within these divisions by manors, the hidage of each being stated. A numbered list of the tenants in chief is prefixed in each county, and serves as a contents table.

l. 32. **hida.** Mr. Round has shown that a hide (in Domesday Book) consists of four virgates of arable, each of 30 acres, each of these hides or virgates being an unit of assessment and not an unit of area. (*Feudal England*, pp. 36–44.) Centum must be taken as a loose rendering of 'hundred,' the old 'long hundred' being meant. The parallel reckoning by carucates and bovates is not mentioned in the *Dialogus*.

l. 33. **Hundredus.** The number of hides in the hundred was variable. A hundred might contain as few as 40 or as many as 300 hides (Round, *Feudal England*, pp. 60 sq.). Mr. Round suggests that it usually approximated to an even number, the county being divided into so many hundreds, and the hundreds assessed at so many hides each, the assessment being ultimately distributed amongst the vills of which the hundred consisted (*Feudal England*, pp. 91, 92). The phrase 'secundum quod diuisa

est terra per viros discretos' suggests that the author of the *Dialogus* held the same view, though he seems to stop at the division into hundreds. But the division and assessment date from an unknown period of history.

P. 109, l. 7. **Comes autem est.** Cf. *Inst. Cnuti* (*apud* Hearne, *Text. Roff.* p. 45) 'Comitis rectitudines secundum Anglos istae sunt communes cum rege: tertius denarius in villis vbi mercatum conuenerit et in castigatione latronum; et comitales villas quae pertinent ad comitatum eius et consuetudines liberalium hominum duppliciter omnes habere,' &c. Before the conquest this rule is said to have held good only in the Dane-law (Liebermann, *Inst. Cn. Tr. Roy. Hist. Soc.* 1893 pp. 86, 99). It will be noted that the *Inst. Cnuti* (dated by Liebermann c. 1110) speaks of the third penny of market-towns and the third penny of judicial profits as both falling to the earl. The *Dialogus* only mentions the third penny of the judicial profits. See on this point J. H. Round, *Geoffrey de Mandeville*, p. 287. As to the comital manors mentioned above see Eyton, *Domesday Studies. Somerset.* London 1880; and J. H. Round, *Feudal England*, p. 114.

l. 13. **porro vicecomes dicitur.** The history of the name 'vicecomes' belongs to Frankish history. There is no reason to suppose that normally in England the 'vicecomes' was ever the officer of the 'comes' (though special conditions might make him so, as in Cornwall, Chester, Durham, and other cases), and 'Vicecomes' is simply the official translation of 'Sheriff.'

l. 16. **Numquid ex singulis.** The emphasis is on the word 'singulis'; 'are there,' says the scholar, 'in every county earls who receive these profits?' 'No,' answers the master, 'only these men (not as Selden 'these earls') receive them, whom the royal bounty . . . creates earls, and to whom by reason of that dignity it decrees that these sums are to be granted, whether in fee or for life.' The construction is, of course, difficult; 'quibus' seems to be put for 'quos' because of 'conferenda' in the latter part; but the meaning is clear. There is not an earl in every county: but when there is an earl, he gets the third penny 'ratione dignitatis,' whether he is an earl in fee or only for life. This is not the view of the passage taken by Selden (*Titles of Honour* (1672) p. 523), who has, however, been misled by a misquotation of it by Camden, which he has curiously treated as independent testimony. Mr. J. H. Round (*Geoffrey de Mandeville*, p. 293) takes Selden's

view of the passage, viz., that the receipt of the third penny depends not upon the possession of an earldom, but upon a special grant. The '*Reports on the Dignity of the Peer*' iii. p. 68 in the main support our view that the words 'ratione . . . decernit' are exegetical of 'comites sibi creat,' and explain the nature of the partnership. The negative evidence of the Pipe Rolls is adduced by Mr. Round in support of the view taken by him; and it is of course likely enough that the author of the *Dialogus* is simply blundering in his assertion. We would, however, urge on the other side, that Mr. J. H. Round himself admits that there is evidence in the case of Leicestershire and Oxfordshire of the payment of the third penny in cases where the Pipe Roll is silent. Of this a specific instance may be given from the 40th year of Henry III. Madox (c. xxiii. § 2. p. 651. *n.* l.) quotes the writ directed to the barons of the exchequer ordering them to cause John de Warenna (who had just come of age) to have the third penny of the county of Surrey, as William de Warenna his father and his other ancestors had had it as appurtenant to his earldom (comitatus) of Surrey. There is no mention in the Pipe Rolls of 40 or 41 Henry III of any payment of the third penny in consequence of this writ; but it would be difficult to argue from this silence that it was not made. Surrey is one of the earldoms for which the Pipe Rolls of Henry II are also silent, and the silence is equally inconclusive there. The conclusion seems to be that we do not know how the third penny of the county was paid, except in the cases mentioned on the Pipe Rolls. But cf. Selden, *Titles of Honour* p. 528, for a quotation from Close Roll 2 Henry III. m. 9, showing how the matter was dealt with in Lincolnshire.

So far we have only discussed the English evidence. But payments of this kind were in use all over the continent. The principal passages will be found collected in Ducange's *Glossarium* s.vv. *Aduocatus*, *Fredum*, *Comes de tertio denario*. Only the more important are mentioned here. It may, however, be pointed out that the third penny of judicial fines was very generally regarded as the proper share of the judge presiding over the trial; and it will be remembered that the continental 'comes' is to a large extent a judge. In the *capitula* of Charlemagne (*Pertz. Legg.* I. p. 46) we find the principle expressly stated. *De compositionibus que ad Palatium pertinent*—Si comites ipsas causas commouerint ad requirendum, illam tertiam partem ad eorum recipiant opus,

duas vero ad Palatium; et si per suam negligentiam remanserint et missus dominicus ipsas causas coeperit requirere, tunc volumus vt ipsi comites illam tertiam partem non habeant sed cum integritate ad Palatium veniat. This rule apparently applies both to the Frankish and Lombard portions of the empire. But that it was still more widely spread can be shown from the description of Hungary in the *Gesta Frederici Imperatoris* by Otho of Freisingen (Muratori vi. p. 665, cf. Selden, *T. of H.* p. 388), who says 'Hinc est vt cum [Vngaria] per lxx. vel amplius diuisa fit comitatus, de omni iustitia ad fiscum regium duae lucri partes cedant, tertia tantum comiti remaneat.' It would appear, therefore, that the third penny of the pleas is the final remnant of the judicial functions of the earl, and is originally due to the Frankish empire. Whether this imperial institution reached the England of Henry II through William the Conqueror, or whether it came with earlier importations from the same source, admits as yet of no exact determination.

P. 109, l. 23. **Rotulus exactorius.** The 'breue de firmis' has unhappily perished. We may assume that it resembled the later 'Rotulus de Corporibus Comitatuum,' now preserved among the Pipe Rolls. The amount of the sheriff's farm was presumably recorded on the roll. It first appears on the Pipe Rolls in 9 Richard I (*see* G. J. Turner, *The Sheriff's Farm*—in *Trans. of the Royal Historical Society*, vol. xii. p. 121). *See* also *The Red Book of the Exchequer*, ii. 659, and Introduction p. 51.

l. 28. **supra:** *see* I. xiv. above.

l. 31. **vt predictum est:** *see* I. iv. C. above.

l. 33. **Explicit.** As to the authenticity of this contents table *see* Introduction, p. 8.

P. 111, l. 22. **auribus audiendi:** cf. I. viii. G. above and note.

l. 25. **qui . . . dolorem:** cf. Eccles. i. 18 'qui addit scientiam addit et laborem.'

l. 26. **iocundum desipere:** cf. Hor. Od. IV. xii. 28 'dulce est desipere in loco.'

P. 112, l. 21. **conuocantur ad locum nominatum.** The place where the Exchequer sat was not determined until the summons was issued. *See* Introduction, p. 43.

l. 25. **barones quorum supra meminimus:** cf. I. v and vi. above.

l. 27. **oblationibus.** The distinction between *oblationes* and *solutiones* is again drawn in II. xxiii and xxiv below: 'in agendis

vicecomitis' is a general reference to the latter part of this book, not to II. iii.

P. 113, l. 5. **Verum.** Cf. II. x. G. J below, where the items enumerated are—Chattels of Felons and Fugitives, Treasure Trove, Chattels of usurers dying intestate and other casual profits. Instances are quoted by Madox, *H. E.* x. § 8, pp. 237 sq.

l. 10. **Noueris autem.** The process is as follows. Taking the great roll of the ending year the treasurer's clerk makes a roll of all the debts standing over in each county. This is submitted to the barons, and they fix for each debtor the amount to be demanded from him, considering special circumstances in the various cases, and checking each entry by reference to the great roll. The Chancellor's scribe (cf. I. v. V. above) takes the amounts so fixed and draws up the summonses in the form given. As to the fixing of the amount to be collected, cf. II. ii. B. below, 'sicut presidentibus visum fuerit.'

l. 21. **Est etiam alius clericus.** It appears from I. v. V. above that this must have been the scribe of the Chancellor's Roll, or 'Scriptor Cancellarie.'

l. 23. **H. rex Anglorum.** The form of the summons continued much the same in later times. Under Edward II it follows the form of the *Dialogus*, substituting 'coram Baronibus de scaccario' for 'ad scaccarium,' 'omnia' for 'nominatim,' and omitting the clause 'Et haec . . . de firma tua.' This last alteration is due to the fact that the items not derived from the previous Pipe Roll were now demanded by a separate summons called the 'Summons of the Green Wax,' which appears to have taken the place of separate estreats sent direct to the Sheriff by the Justices in Eyre. This course was no doubt due to the rapidity with which the Summons of the Pipe increased in length. (Cf. Madox, *H. E.* x. § 11, pp. 242–3; xxiii. § 26, p. 706; Scargill-Bird, *Handbook*, pp. 322–325.)

l. 31. **minores quique perambulantium iudicum rotuli.** Two such rolls have been printed by the Pipe Roll Society (vol. 14) as Rolls of the King's Court, Nos. II and III. In the former of these, cases of amercement and of murder-fine have been noted on the margin, and the pleas of the Crown in each hundred conclude with an account of payments of aid. As appears both from the roll and from II. x. below, the functions of a Justice in Eyre were as much fiscal as judicial. He was as much concerned

with escheats, wardships, fines and taxation, as with the Pleas of the Crown or the decision of Civil Causes (cf. Capitula Itineris, 1194 in *Hoveden*, III. 263). The place of custody of the Assize Rolls was the Treasury of the Exchequer down to comparatively modern times (Madox, *H. E.* xx. § 8, p. 563).

P. 114, l. 1. **hiis taxatis a maioribus.** New debts arising from the eyres, like the old debts copied from the last Pipe Roll, are considered at the Exchequer, and more or less is called up according to circumstances. This account seems also to include the 'Affeering' of amercements, which was a revision by the barons of the Exchequer of the amercements imposed by the Justices. Both old and new amercements were subject to this revision (cf. Madox, *H. E.* xiv. § 1. p. 366, notes *g* and *k*).

l. 5. **Fuerunt tamen . . . continentur.** We have bracketed this passage as being most probably an interpolation and as interrupting the argument.

l. 7. **subdisiunctiue.** This doctrine is borrowed from the Civil Law. Cf. *Dig.* 50, 16, 124, 'Haec verba, *ille aut ille*, non solum disiunctiuae sed etiam subdisiunctiuae orationis sunt, &c.'

The argument is stated awkwardly, but seems to suggest that, as *vel—vel* may be equivalent to *et—et* the converse may also be the case. Perhaps however *vel* may be a slip on the part of the author who may have meant to write *et*.

l. 15. **ex nouella constitutione.** Cf. I. v. B above and note. If the sheriff finds that the debtor has no land or goods in his county, he is to send a fresh writ on to any other officer in whose jurisdiction the debtor has land or goods. The tense of 'habuerit' is simply due to the tense of 'noueris.'

l. 27. **vacuus**: cf. Juvenal, x. 22 'Cantabit vacuus coram latrone viator.'

l. 30. **Ille enim.** Translate 'For that officer, to whose jurisdiction he (the debtor) had removed with his property because of this fear, having no order thereupon, did not dare to seize his property.'

P. 115, l. 4. **excusat.** The reading 'exerceat' is very tempting; but no stress can be laid on the mood of 'excusat' as a reason for the change.

l. 13. **si bene memini**: cf. II. i. A above.

l. 25. **quidam visus compotorum fiunt.** The Sheriff's account was divided, in the phraseology of a later date, into three parts, the Profer, the View, and the Summ. The Profer is the

payment made on the Sheriff's arrival at the Exchequer in each term (cf. II. iv. A below). The View is the *viva voce* inquiry in Easter term described here. The Summ is the final operation in Michaelmas term described in II. iv. E to II. xxviii. below. (Cf. Madox, *H. E.* xxiii. § 2. pp. 644–9.) It appears from the instances quoted by Madox (*loc. cit.* pp. 646–8) that the distinction between a View and an Account is that in the first case the Sheriff merely gives his word as to the allowances due to him, in the latter he must produce his vouchers (e. g. P. R. 15 Hen. II, p. 110, Honor Constabularie. De hoc honore non reddidit idem Galfridus de Ver compotum, sed visum tantum per verum dictum ipsius, quia non habuit guarantum Regis de terris datis et aliis exitibus eiusdem honoris). However the sums due and the sums paid were stated and a balance was struck. The Memoranda showing this balance were put down as stated here and kept till Michaelmas. If an account could not be cleared at Michaelmas the Memorandum might be attached to the Pipe Roll as in the case alluded to above, where such a note is quoted by Madox from a schedule to the Pipe Roll. In the reigns of Richard I and John the Easter views were so attached. Towards the end of Henry III they appear on the Memoranda Rolls, of which they became a special part, and they ultimately formed a separate series (Bird, *Handbook*, 236), known as 'States and Views of account.' The final quittance is given at the Michaelmas account.

P. 115, l. 29. **memoranda**. The origin of the Lord Treasurer's Remembrancer and his Memoranda Roll is probably to be sought in the *Clericus Thesaurarii* and the process described here (cf. the previous note). Both series of Memoranda Rolls begin in 1 Henry III.

l. 33. **Insuper**. This passage refers not to the Pipe Roll but to the Memorandum of the Sheriff's Easter view. Madox (*H. E.* xxiii. § 2, p. 646 *n.* w.) quotes an instance from a schedule attached to the Pipe Roll of 8 Richard I; 'Compotus vicecomitum Anglie factus in termino Pasche anni octaui regni Regis Ricardi.' Cumberland. Willelmus filius Aldelini de firma de Cumberland; In Thesauro lv. *l.* et ii. *d* numero. Et Quietus est. Norhantesira . . . Essex et Hurtfordsira. W. Elyensis episcopus, Robertus de Laweshell pro eo, de firma de Essex et Hurtfordsira; In Thesauro cc. et vii. *l.* et ix. *s.* et iiii. *d. Bl.* Et debet. xi. *l.* et ii. *s.* et vii. *d.* &c.'

In a later case quoted from the Memoranda Roll of 31 Henry

III (Ibid. p. 647 n. *y*.) it is noted that the Sheriff owed £39 5*s*. 8½*d*. 'pro quibus affidauit Marescallo.'

P. 116, l. 4. **satisfaciat.** Not necessarily pay, but either pay or give security as in last note.

l. 12. **exceptorum**, i. e. extracted from the last Pipe Roll or elsewhere. Cf. II. i. B above.

l. 27. **quia patens scriptum est.** The writ of summons being sent out open was more exposed to tampering. Accordingly the rule is laid down that no alteration in it was permissible, and any error is not to be corrected but obliterated. Even so alteration was possible, but not alteration to the prejudice of the debtor. The object of the rule is to prevent the debtor raising objections to the amount demanded from him by the sheriff. See for methods of alteration I. v. V note.

P. 117, l. 5. **insani capitis argumentum.** This may be a reminiscence of Horace, *A. P.* 300 'tribus Anticyris caput insanabile.'

l. 8. **omnia namque debita.** The comparison of the Pipe Roll of the previous year (cf. II. iv. E below) would show if any of the old debts had been left out, while the new debts would be shown by the Eyre Rolls or by the 'contrabreuia' from the Curia (cf. I. vi. D above).

l. 16. **clericus archidiaconi.** This is the only mention of this clerk in the treatise; probably he was not a regular official.

l. 18. **Procedente vero tempore.** This increase in the number of the debts was probably due to the fact that any debts not recovered were put in charge year after year even though there was no probability of their ever being levied. This is sufficiently illustrated by the way the Pipe Rolls increased in bulk during the reign of Henry II. In the twenty-second year it became necessary to remove the 'desperate debts' from the roll. The same cause led to the ordinance of 54 Henry III and to the establishment of the 'Exannual Rolls' in 12 Edward I by the 'Statute of Rhyddlan' (cf. Madox, *H. E.* xxiii. § 2, pp. 654 sqq.). Another cause which may have contributed to the abolition of the duplicate summons was the sudden enlargement of the Pipe Roll in 12 Henry II, owing to the number of convictions under the 'Assize of Clarendon' (*see* P. R. 12 Henry II, Pipe Roll Society—Introduction).

l. 26. **Illustris Anglorum rex.** Cf. Glanvill, *Prologus*;

'Regiam potestatem non solum armis contra rebelles et gentes sibi regnoque insurgentes oportet esse decoratam, sed et legibus, ad subditos et populos pacifice tegendos decet esse ornatam, vt vtraque tempora, pacis et belli, gloriosus rex noster ita feliciter transigat, vt effrenatorum et indomitorum dextra fortitudinis elidendo superbiam et humilium et mansuetorum equitatis virga moderando iustitiam, tam in hostibus debellandis semper victoriosus existat quam in subditis tractandis equalis iugiter appareat. Quam eleganter autem, quam strenue, quam callide hostium obuiando malitiis excellentissimus rex noster hostilitatis tempore armatam exercuit militiam, nemini venit in dubium, cum iam in omnem terram exierit laus eius et in omnes fines orbis terre magnalia eius,' &c. The date of these transactions is 16 Henry II.

P. 117, l. 30. **discolos**: cf. 1 Pet. ii. 18 'non tantum bonis et modestis, sed etiam dyscolis.'

P. 118, l. 14. **dum paruuli essent.** Henry, the eldest, was about eighteen in 1173.

ratione etatis cerei: cf. Hor. *A. P.* 161–3 'Imberbus iuuenis' . . . 'Cereus in vitium flecti.'

l. 15. **vulpecule**: cf. Cant. ii. 15 'Capite nobis vulpes paruulas que demoliuntur vineas.' The little foxes are the king of France and Queen Eleanor.

l. 17. **sua viscera**: i. e. his children. Cf. Ovid, *M.* vi. 651 (Tereus) 'inque suam sua viscera congerit aluum.'

l. 18. **inimici . . . eius**: cf. Matt. x. 36 and Mic. vii. 6 'inimici hominis, domestici eius.'

qui custodiebant. Cf. Jer. xx. 10 'qui erant pacifici mei, et custodientes latus meum.'

l. 19. **consilium inierunt.** Cf. Dan. xi. 25 'inibunt aduersus eum consilia.'

l. 20. **persequimini.** Cf. Psal. lxx. 11 'dicentes, Deus dereliquit eum, persequimini et comprehendite eum quia non est qui eripiat.'

l. 22. **filios enutriui,** &c. Isa. i. 2.

l. 26. **diuinae gratie.** Possibly this refers to the coincidence between the capture of the King of Scotland at Alnwick July 12, 1174, and the day on which Henry completed his penance at the tomb of Becket. If so this is the only allusion to the story of Becket in the *Dialogus.*

l. 28. **optinuit**=conquered. Cf. 3 Reg. xx. 25 'Et videbis

quod obtinebimus eos.' 1 Macc. viii. 5 'contriuerunt in bello et obtinuerunt eos.'

P. 118, l. 31. **clauam posse.** Cf. Donatus, *Vita Vergili* 64 'facilius esse Herculi clauam quam Homero versum surripere.'

P. 119, l. 4. **vltionem . . . Dauid.** It is not clear to what this refers, possibly to the charge to Solomon concerning Joab and Shimei, 3 Reg. ii. 5 and 8. Or it may be a confused recollection of the suicide of Ahitophel.

l. 7. **inueni . . . meum**: cf. Acts xiii. 22 'inueni Dauid, filium Iesse, virum secundum cor meum.'

l. 12. **Viuat et proles.** This passage containing no allusion to the death of the young Henry was presumably written before July 1183.

l. 14. **quia nati sunt . . . rebelles.** Cf. Verg. *Aen.* vi. 851–3:—

Tu regere imperio populos, Romane, memento;
Hae tibi erunt artes; pacisque imponere morem,
Parcere subiectis, et debellare superbos.

l. 18. **libellum cuius . . . meminimus**: cf. I. v. O. P. above.

l. 21. **secuit regnum in sex partes.** This refers to the division of England into 'Eyres' at the council of Northampton Jan. 25, 117$\frac{5}{6}$. A subsequent division into four circuits was made in April 1179 (Lieb. *Einl.* p. 10, Benedict I. 239).

electi iudices quos errantes vocamus. Cf. Ioann. Sarisb. *Polycraticus* v. c. xv. [576 C, ed. Migne]; 'Quae vero de praesidibus aliisque iudicibus dicta sunt debent et apud proconsules, quos nostrates vulgariter dicunt *iustitias* esse *errantes*, obtinere. Et nomen quidem erroris, etsi non officio, personis tamen eorum conuenit qui euntes post concupiscentias suas in sectatu auaritiae et depraedatione popularium a tramite aequitatis aberrant. Debent autem officia omnium esse gratuita, vt nihil vltra statutum exigatur sed nec recipiatur. Sed forte quid statutum sit quaeris. Plebiscito continetur ne quis praesidum munus donumue caperet nisi esculentum poculentumue, et id quidem intra dies proximos prodigatur. Quod et ad proconsules aliosque magistratus ex mandato principio transit. Non vero in totum debent xeniis abstinere, sed modum adhibere.' Cf. ibid. cap. xvi. (580 A, ed. Migne). The author of the *Dialogus* usually avoids this ambiguous participle.

l. 25. **laboribus et sumptibus,** i. e. the trouble and expense

of coming to Westminster. Cf. Pollock and Maitland, *Hist. of Eng. Law*, i. p. 181.

P. 120, l. 1. **iota vnum mutare**: cf. Matt. v. 18 'iota vnum . . . non praeteribit a lege.'

l. 16. **in magno annali rotulo.** These items appear in the form; 'De placitis A. B. et C. D:' 'E. debet' tot 'pro tali causa.' Instances will be found in Madox (*H. E.* iii. § 10, p. 83 and *passim*) and in the printed Pipe Rolls.

l. 27. **sicut dictum est ab initio**: cf. I. iv. C above.

P. 121, l. 3. **Attende igitur.** For the remark on style cf. above I. v. G 'siue in scriptis, siue in receptis, siue in taleis, siue in expensis,' and note.

l. 9. **capitis.** It must not be supposed that the Sheriff ran any risk of being executed. He would probably, when caught, be committed to the Fleet, until he fined with the King for his release. In the fifteenth century the Sheriff of Northumberland frequently does not appear for years successively. Possibly the author is thinking of the use of 'caput' in the Civil law. Of course the offence was technically rebellion. Cases illustrating the actual practice are quoted by Madox (*H. E.* xxiii. § 22, pp. 694 sqq.).

l. 18. **libera custodia.** For a definition of the form of imprisonment, *see* above I. v. G.

l. 24. **prima die regi condempnabitur in c. solidis argenti de quolibet comitatu.** Cf. P. R. 7 Hen. II *Northumberland*, 24 'Idem vicecomes reddit compotum de c. *s* pro mora compoti sui. In thesauro liberauit. Et Quietus est.' Ibid. *Oxford*, p. 27; *Yorks*, p. 37; *Stafford* p. 42; *Somerset*, p. 51; *Essex*, p. 67. In this last case the Sheriff was fined £7 10*s*.—which would suggest that he was a day and a half late. Similarly on the Pipe Roll of 1 Ric. I (*Kent*, p. 232) we find Alan de Valeines, Sheriff of Kent, fined £65 for being thirteen days late (cf. Madox, *H. E.* xxiii. § 22, p. 695). This seems to show that the more merciful course was adopted in actual practice. For the later rule, see *L. T. R.* Memoranda Roll, 40 and 41 Henry III *inter Recorda* quoted by Madox, *H. E.* xxiii. § 2, p. 644, n. *f.* It will be seen that for the first four days the fine was then rated at £5 per day; after that it was at the King's discretion. Before the order of 40 Henry III (as also some ten years later) the fine was fixed at £5 for the first three days only.

P. 122, l. 5. **ad penam.** Cf. Ovid, *Ep. ex Ponto*, i. 2. 123 'piger ad poenas princeps ad praemia velox.'

l. 12. **operationes**; for the works carried out by the Sheriffs see II. viii below.

l. 14. **camera curie**: that is, the King's private household. This department is in some ways a rival to the Exchequer and independent of it. Payments made to the Camera escape all audit, nor are any accounts rendered by the officers in charge of the Camera. Its later history is connected with that of the Wardrobe, but even when the keeper of the Wardrobe was brought under the control of the Exchequer, the Camera continued independent. In consequence very little is known of its history. See Pipe Roll 11 Henry II, p. 4 'Willelmus de Casneto debet .cccxix. *li*. ix. *s*. viii. d. blancas de veteri firma de Norfolchia. Et cl. *li*. de cremento comitatus; sed fuit attornatus inde Isaac Iudaeo per rotulum camere et per rotulum archidiaconi.' Here William answers the summons of the Exchequer by producing an order from the Camera to pay the sum to Isaac the Jew. See also the case of the Viscountess of Rouen, ibid. p. 45; and Madox, *H. E.* viii. § 2, pp. 179–82.

l. 25. **Plures sunt.** Cf. Glanvill I, xi seqq. on the whole question of essoins.

l. 30. **sacramento corporaliter prestito.** Cf. II. xii. C below. The use of *corporaliter* in both passages seems to dispose of Madox's doubt as to the identity of *fides* and *sacramentum* (*H. E.* xxiii, § 6, p. 662). The usual formula is 'sacris euangeliis corporaliter tactis' and the expressions 'his corporal oath' and 'bodily oath' lasted until the seventeenth century. The 'Black Book of the Exchequer' contains drawings of the Evangelists which are supposed to have been used for this purpose, though no doubt in most cases an 'Euangeliarium' was employed (cf. Ducange, *s. v.* Iuramentum § Iurare sacramento Catholicae fidei).

l. 31. **Quod si vicecomes.** The appointment of attorneys is here treated in two parts (1) The appointment of attorneys to make a Profer on account of the Sheriff. In this case it is only necessary for him to send two persons, one of whom must be a layman, to make his proffer for him; provided, that is, that he has a sufficient excuse for not appearing in person (cf. Madox, *H. E.* xxiii. § 2, p. 646 and note *p*.).

(2) In case, however, the Sheriff has to account, the rule is more

strict. He may (*a*) send his eldest son (Madox, ibid. § 5, p. 661, note *m*), that is, if he is sick, (*b*) if he is engaged on the King's business he must get the King's writ (or in the absence of the King the Justiciar's writ) nominating some one at the Exchequer to act for him, e.g. his brother (Madox, ibid. p. 659, note *k*). In some cases he personally presents his attorney before the King (ibid. p. 658, note *c*). (*c*) If he is summoned abroad on the King's service, or has leave to go home, he must personally present his attorney at the Exchequer (ibid. p. 660 notes *z* to *d*).

P. 123, l. 5. **alter vel vterque**; 'one or both of those sent shall be his knight or a layman connected with him in blood or in some other way.' The exact force of 'miles' here is doubtful, but compare below II. xxi and xxii, where the double sense of 'miles' as the subordinate of a 'dominus' and a person of definite social rank clearly appears.

l. 8. **clericos**; note the ecclesiastical point of view: it is not illegal but indecent to arrest an ecclesiastic under these circumstances; cf. Liebermann, *Einleitung*, p. 57.

l. 14. **generalis . . . procurator**; not an attorney, but merely a representative: probably the best translation is 'steward' or 'manager'; compare the use of 'generalis oeconomus' below, II. xx.

l. 23. **in forulo . . . meminimus.** Cf. I. v. G above and Madox, *H. E.* xxiii. § 5, p. 659, note *g*, 'Vicecomes Norhumberlandie assignauit loco suo ad respondendum ad Scaccarium Willelmum de C. per breue Regis quod est in forulo Marescalli.' *Ex Memor.* 11 *Hen. III Rot.* 3 *a.*

l. 33. **'Willelmus . . . Londonia.'** This formula, at first reserved exclusively for this case, came to be employed for the other cases also. (*See* Madox, *H. E.* loc. cit., p. 659, notes *n* and *o*.) This was especially the case in those counties which had Sheriffs in fee, when the whole business was transacted by the under-sheriffs appointed by them and presented at the Exchequer.

P. 124, l. 18. **ligius.** A tenant's lord is the lord from whom he holds land, his liege lord is the one lord to whom he is bound by more than the relation of over-lord and tenant. Cf. *Leges Henrici primi*, c. 43, § 3 sqq. 'Si quis diuersos diuersorum feodos teneat, de eo quod ad eorum feudum pertinet cum singulis componat et de rebus alterius alteri non intendat. Quotcunque dominos aliquis habeat vel quantumcunque de aliis teneat, ei magis obnoxius est et

eius residens esse debet cuius ligius est.' Here of course 'ligius' is applied to the tenant. Cf. also ibid. c. 55, § 2. And as to the essoin ibid. c. 59, where 'domini necessitas' is mentioned as one of the reasons for postponing a suit. *See* Pollock and Maitland, *H. E. L.*, i. 269.

P. 125, l. 1. **Sunt et.** Neither Glanvill nor the *Leges Henrici primi* attempt a complete list of essoins. In all probability exceptional cases were considered on their merits. As the essoin became a mere incident of procedure, the essoin of sickness appears to have superseded all the rest.

l. 7. **miles.** This word seems to be used in the sense of an under-tenant as distinguished from Baro, a tenant-in-chief. The doubt of the *discipulus* is whether an under-tenant can be withdrawn from the service of his liege lord to serve the King.

l. 16. **'an . . . manus?'** Ovid, *Heroides* 17, 166.

l. 20. **sicut predictum est.** Cf. I. iv. C above.

l. 22. **noueris.** The Sheriff pays money into the treasury first and accounts afterwards; the assay (*examen*) is part of the process of paying in. Cf. I. ii. above.

l. 27. **Prouideat autem.** The object of this intimation to the debtors is not clear; it is impossible to suppose that everyone who owed money to the King was present at the Exchequer to see that the Sheriff paid it in properly; but it may be suggested that the intention was to afford any interested person an opportunity of checking the Sheriff's conduct, if he wished. If this is right, 'omnibus' below must mean all persons present and concerned in the account, not all the debtors.

l. 32. **sicut dictum est.** I. i. B above.

P. 126, l. 5. **ne forte**; the tag is repeated from I. vi. C above.

l. 6. **scriptoris thesaurarii**: see I. v. R above.

l. 15. **Quis insuper.** See I. vii. above.

l. 18. **Cum ergo rex.** The King might grant a manor with or without the jurisdiction attached. Cf. *Leges Henrici primi*, c. 19 'Omnium terrarum quas rex in dominio suo habet socnam pariter habet, quarundam vero terrarum maneria dedit sed socnam sibi retinuit singularem et communem nec sequitur socna regis data maneria set magis ex personis.' In the former case the manor was said to be granted 'blanch,' and the allowance was made to the Sheriff in blanch silver. For instances see Pipe Roll 1156 (2 Hen. II) p. 57, and 21 Hen. II (1175), p. 21, where a man has

'40 *li* blancas in Lamport et in Curi cum hundredo.' *See* also Introduction, p. 33.

P. 126, l. 32. **de prestito regis.** Cf. P. R. 7 Hen. II *Gloucestershire* 'Et Waltero Blundo 20 *s* numero in Aura de prestito Regis.' This allowance was continued till 17 Hen. II when Walter Blundus presumably died. The entry for that year is 'Et Waltero filio Walteri blundi 20 *s* numero in Aura per breue Regis de prestito Regis.' Walter's son therefore received this allowance not as Walter's heir but by virtue of a new writ. In 1 Richard I he was still receiving the allowance 'hoc anno.' The technical word 'praestitum' must not be pressed here; the payment is not an imprest for which the person to whom it was paid is accountable (Madox, *H. E.* x. § 13, p. 266). It merely means a grant, and implies that the grant is during pleasure.

P. 127, l. 5. **Liberationum . . . indigentium.** Many instances of this will be found on the printed Pipe Rolls. The account of allowances usually begins with items of £1 10*s.* 5*d.* i. e. a penny a day to some pensioner or other, e. g. 'Et Turstino Infirmo' 30*s.* 5*d.* (P. R. 14 Hen. II *Essex*, p. 35), cf. Madox, *H. E.* x. § 9, pp. 238 sq. It appears that the number of pensioners was not frequently altered, but that when one died his pension was given to another.

l. 7. **Quedam . . . seruientum.** Numerous payments to servants will be found on the Pipe Rolls. Thomas Brunus had fivepence a day out of the farm of Hereford (P. R. 14 Hen. II, p. 114). The farm of London was charged with several of these payments. William Fitz Otho, the King's goldsmith, had a shilling a day. The keeper of the palace of Westminster sevenpence a day. Henry Arborarius fivepence a day, and so forth (P. R. 2 Hen. II, p. 3). Cf. Madox, *H. E.* x. § 12, p. 249, note *n*.

l. 9. **luporum comprehensores.** Instances are quoted by Madox (*Dial.*, p. 42, note *bb*) of such payments out of the farm of Worcestershire in the reigns of Henry II and John, the payment being 3*s.* in each case. (Cf. also P. R. 7 Hen. II. *Nott.* and *Derb.* p. 30.) This payment seems to have ceased in the reign of Henry III.

l. 12. **Et nota.** The passage bracketed reads like the note of an interested official. The Pipe Rolls give no support to the assertion.

l. 17. **si quid . . . constituta.** Such payments were made

out of the sheriff's farm for various purposes, e. g. the entertainment of members of the royal family or of distinguished strangers (cf. Madox, *H. E.* x. § 12, p. 249). Other expenses for the provision of the king's household (ibid. p. 250), the equipment of ships (ibid.), building materials (ibid. pp. 251 sq.), the payment of soldiers (ibid. p. 253), the furnishing of military stores (ibid. p. 254), and the payment of the king's debts to private persons (ibid. pp. 263 sqq.).

P. 127, l. 22. **'verba ministret.'** Cf. I. v. R. above and note.

l. 29. **iustitia** is the sentence; *iudicium* the trial, whether by ordeal, battle or a jury.

l. 30. **candentis ferri.** References to the ordeal of the hot iron are not frequent on the printed Pipe Rolls: but in P. R. 21 Hen. II, (1175) *Worcestershire*, p. 131, we have 'Idem vicecomes reddit compotum de 3 marcis et dimidio de Philippo filio Wiardi et 5 aliis pro ferro Juise bis portato de vna calefactione.' 'In thesauro liberauerunt in 6 Talliis. Et Quietus est.' A single instance of the ordeal by fire occurs in the Eyre Roll of 1194 (*Rotulus Curiae Regis*, P. R. Soc. no. 14, p. 83) against five of the ordeal by water. In this case the accused is a woman. Probably the rule was the same as that laid down by Glanvill (xiv. 1. § 8) in the case of the appeal of treason. 'In tali autem casu (i. e. if the accused is incapable of the trial by battle) tenetur se purgare is qui accusatur per dei iudicium, scilicet per calidum ferrum vel per aquam pro diuersitate conditionis hominum, scilicet per ferrum calidum si fuerit homo liber, per aquam si fuerit rusticus.'

l. 31. **aque.** Cf. P. R. 12 Hen. II. (*Wilts*, p. 72) 'Et pro polis parandis ad iuisium latronum 5*s*.' Entries of this nature are frequent on that roll owing to the provisions of the Assize of Clarendon, § 2 (Stubbs, *Select Charters*, p. 143). Cf. P. R. 12 Hen. II. Preface, p. x. Other payments for the water ordeal are quoted by Madox (*H. E.* x. § 12, pp. 256 sqq.). On the whole subject of Ordeals see H. C. Lea, *Superstition and Force*, Philadelphia, 1866.

Liberationes . . . probatorum. Cf. P. R. 5 Hen. II. *Winchester*, Rot. 7 a (quoted by Madox, *H. E.* x. § 12, p. 255) 'Et in liberatione Ivonis qui appellauit Alanum de Mumbi 4*s*.; Et in liberatione Willelmi Probatoris 23*s*.; Et pro iusticiis et iudiciis faciendis 17*s*. et 2*d*.' Madox (loc. cit.) gives several other instances. See Pollock and Maitland, ii. 631. For the mythical sufferings of

the 'approver' or 'pelere' see *Collections of a London Citizen* (Camden Soc. *N. S.* 17), p. 199. A more authentic case is given by Madox (*H. E.* xiv. § 9, pp. 382 sqq.) who reproduces a drawing of the combat and of the hanging of the vanquished criminal.

P. 127, l. 33. Cf. Will. Malm. *Gesta Regum.* II. p. 305 (Rolls Series); 'Potabatur in commune ab omnibus, in hoc studio noctes perinde ut dies perpetuantibus . . . Ad summam tunc erant Angli . . . in cibis urgentes crapulam, in potibus irritantes vomicam.'

l. 34. **furta . . . manifesta vel occulta**: the 'fur manifestus' is the thief who is caught with the property stolen on him, 'hand-habend vel back-bearand'; the 'fur occultus' here mentioned is probably to be identified with 'fur nec-manifestus,' who has disposed of the property before he is caught. Cf. *Institutes*, 4. 1, 3. But it is possible that the author is here thinking of the distinction between robbery or theft with open violence, and larceny or theft as a secret crime. Cf. Pollock and Maitland, ii. 492. Cf. II. x. L. below 'predones qui et fures manifesti dicuntur.'

l. 36. **addentibus stimulos.** Imitated from the 'addente stimulos Sathana' of ecclesiastical Latin. *Mechis* is of course feminine.

P. 128, l. 3. **reus horum famosus.** See Assize of Clarendon, *Select Charters*, p. 143.

l. 9. **regni . . . abiuret ingressum.** The statement that the successful approver incurred either banishment or mutilation is not supported by any instances that we have discovered. But clause 14 of the Assize of Clarendon might apply in such a case so far as the banishment goes.

l. 23. **Quod si probator.** Cf. P. R. 18 Hen. II. *London*, p. 145 'Et in liberatione Ricardi Probatoris de Foresta 21*s.* et 1*d.* et in Armatura trium probatorum, et pro ipsis et aliis prisonibus ducendis de Lundonia ad Oxinefordiam et Norhantonam et reducendis et in custamento eorum.' (Quoted by Madox, loc. cit. p. 256, note *h*.)

l. 26. **penam condignam excipiat.** Cf. P. R. 20 Hen. II. *London*, p. 10 'Et in liberatione Willelmi de Bellaualle probatoris et in armatura ipsius et in custamento suspendendi eum 11*s.* 4*d.*'

l. 30. **Sunt preterea . . . mittunt.** No serjeanty binding the holder of land to execute criminals in a county is expressly

mentioned in the *Red Book of the Exchequer*. It appears from other sources that the owner of the manor of Sherfield-upon-Loddon held by the tenure of being 'dismembrator felonum' within the verge of the king's court. But this is not the same thing. Probably the author is thinking of the lords who had 'catalla felonum et fugitiuorum' and the hanging of them as well. Cf. Pollock and Maitland, i. 570. For payments for executions see Madox, loc. cit. p. 255. The porter of the city of Canterbury had 20*s*. a year as public executioner in Kent.

P. 129, l. 7. **Cum regis thesaurus.** Entries for the removal of treasure are common on the Pipe Rolls, but in the earlier rolls the authority 'per talem' is not usually given. However by the time of the *Dialogus* it was customary. Cf. P. R. 21 Hen. II. p. 198 'Et in custamento et conductu thesauri multis itineribus per Odonem de la Faleisia et Andream Clericum et alios Seruientes de thesauro, 27*s*.'

l. 16. **piscis regius.** The royal fishes seem to have been any fish of unusual size, but they were eventually limited to the sturgeon and the various kinds of porpoise and whale. *Rumbus* here, seems to be a reminiscence of Domitian's turbot, Juvenal, *Sat*. iv. Cf. Pipe Roll 18 Henry II (1172) p. 98 *Devon* 'et in uno crasso pisce salliendo, 17*s*.' See also P. R. 31 Hen. II. *Dorset and Somerset* (quoted by Madox, *H. E.* xiv. § 8, p. 381, note w) 'Homines Rogeri de Poles de Suanewiz debent dimidiam marcam, quia iniuste saisiauerunt se de Crasso Pisce.'

l. 19. **in excolendis . . . vineis.** Madox (*H. E.* x. § 12, p. 249, note *l*) quotes a payment from the roll of 31 Hen. I of 20*s*. spent on the vineyard of Rockingham. Cf. P. R. 21 Hen. II. where occur entries of 10*s*. in working the vineyard of Hereford with a penny a day to the 'Vinitor' (p. 85), 18*s*. 4*d*. for the livery of the 'Procurator' of the vineyard of 'Stoke' in Worcestershire (p. 128), 13*s*. 4*d*. for the vineyard of Huntingdon, with 2*d*. a day to the 'Procurator' (p. 139) and £3. 6*s*. 8*d*., for the vineyard of Chistlet belonging to St. Augustine's Abbey, Canterbury. Similar entries will be found on other rolls.

l. 23. **infra dicetur:** see II. xxviii. below.

l. 36. **fiat inde breue regis.** Cf. I. v. V. above.

P. 130, l. 15. **'per visum horum N.'** Cf. P. R. 7 Hen. II. *Yorks*, p. 36 'et in operacione castelli de Scardeburc 107*li*. 6*s*. 8*d*. per visum Roberti de Russa et Dauidis Lardener per breue regis.'

P. 130, l. 15. **Quod si non extaret breue.** There must be a writ specifying the sum to justify the entry in the Pipe Roll. The inconsistency between this strictness and the rule as to allowances to barons of the Exchequer (I. viii. D. above) appears not to have struck the author of this treatise. (For instances of writs of allowance cf. Madox, *H. E.* xiiii. § 17, p. 673.)

l. 30. **expressa . . . non nocent.** Dig. lib. 50, tit. xvii, cap. 195.

P. 131, l. 11. **qui lege . . . subuenit.** This seems to be a reminiscence of the Civil Law. Dig. lib. 22, tit. 6, cap. 7 'Iuris ignorantia non prodest adquirere volentibus, Suum vero petentibus non nocet.'

l. 16. **iota mutare.** Cf. Matt. v. 18 'iota vnum, aut vnus apex non praeteribit a lege.'

l. 28. **ex consequentibus.** Cf. II. xxvii. B. below.

l. 29. **'de corpore comitatus.'** The account of the 'corpus comitatus' extends from II. iv. E. above to this point, and is resumed in II. xxvii. B. below. *See* Introduction, pp. 48–51.

l. 35. **de veteri firma.** For the practice here described see Pipe Roll 21 Henry II. *Oxfordshire*, p. 10. Here it will be noticed that Adam de Catmera the old sheriff accounts for the old farm after the account of the new farm has been rendered by Alard Banastre, the new sheriff; in *Dorset and Somerset*, p. 21, where Aluredus de Lincolnia is continued in office, he renders account of the old farm first and afterwards of the new farm. The object is that the sheriff may not get a quittance for his new farm until he has made up the arrears. As to the summons to the old sheriff cf. II. ii. above.

P. 132, l. 10. **de excidentibus et occupatis.** *Occupata* is a reminiscence of the 'ius occupantis' of the civil law; cf. Digest, 41. tit. 1, cap. 3: but the things occupied here are not 'res nullius' but the king's; and the occupation constitutes a purpresture, which may be committed by building a house forward into the street, or by cultivating the forest, or by encroaching on the king's land in any other way. *Excidentia* for *escaete* seems only an attempt at a classical formation. For a further discussion of the question of 'purprestures' see Glanvill, ix. c. 11, where also the investigation of them is stated to be part of the duty of the Justices in Eyre. See also for the Exchequer practice here described Pipe Roll 1 Ric. I. p. 142.

P. 133, l. 8. **Porro eschaete dicuntur.** The *Dialogus* divides escheats under the following heads:

1. Escheats. Lands and goods of tenants in chief dying without heirs.

2. (*a*) Lands and goods of fugitives from justice.

(*b*) Goods of those who failed in the ordeal under the Assize of Clarendon.

3. Treasure Trove.

4. Goods of Usurers.

Glanvill (VII. c. 17) dealing of escheats in general gives—

1. Lands and goods of persons dying without heirs.

2. Of female wards guilty of unchastity.

3. Of felons and outlaws. The land going to the lord, the goods and 'a year, day and waste of the lands to the king.'

The goods of usurers are treated of in the previous chapter.

Glanvill's classification is more in accordance with actual practice than that of the *Dialogus*. Escheats are lands falling to the king by reason of failure of heirs or by the fault of the tenant. Of course the author of the *Dialogus* writes from the point of view of finance and this accounts for his classification, though the omission of all reference to 'marriage' is curious. The expression 'escaeta cum herede' appears to be peculiar to the *Dialogus*; *custodia* is the usual term.

l. 22. **cetera vero . . . cedunt.** A case of ordinary law as to wardships; cf. Glanvill, vii. 9. § 3. Glanvill adds that if a wardship is granted by the king with the addition that if the grantee is not to account at the Exchequer, the grantee may present to churches and otherwise treat the estate as his own, in other cases not (Ibid. 10. § 3). Such grants under various conditions will be found in Madox (*H. E.* x. § 4, pp. 221 sqq.).

l. 25. **legittime etatis adeptus beneficia,** i.e. in the case of a military tenant on the completion of the twenty-first year, in that of a sokeman on the completion of the fifteenth, and in the case of a burgess when the boy can count money, measure cloth and so forth, Glanvill, vii. 9. § 2.

l. 29. **Ille vel ille.** Cf. P. R. 20 Hen. II. p. 30 'Hunfridus de Bohun debet cc. libras pro releuio terre sue.' So also P. R. 22 Hen. II. Rot. 5 b 'Ricardus Malebisse reddit compotum de 100*s*. pro releuio suo. In thesauro liberauit. Et Quietus est'; and other cases quoted by Madox (*H. E.* x. § 4, pp. 216 sqq.).

P. 133, l. 34. **Ille vicecomes.** Cf. P. R. 17 Hen. II. p. 27.

HONOR DE BELVEEIR

'Willelmus de Luuetot reddit compotum de 50*li.* et 6*s.* et 8*d.* de firma honoris de Belueeir. In thesauro 30*li.* et 6*s.* et 4*d.* Et in procuratione liberorum Willelmi de Albeneio 18*li.* et 5*s.* Et in custamento vinee 35*s.* et 4*d.* Et Quietus est.'

firma illius honoris. The use of the term *Honor* is very difficult to fix. The author of the *Dialogus* appears to imply that it is equivalent to *Baronia* and that it consists of several manors (*fundi*). On the other hand all tenants-in-chief are classed as 'Barones maiores' or 'Barones minores' (§ E. below). Presumably therefore *Honor* is regarded as equivalent to 'Baronia maior.' The minimum requisite to constitute an *Honor* is not stated (cf. Pollock and Maitland, i. p. 239). The argument of § E. implies that the tenant of a single knight's fee would be a 'Baro minor' since the certainty of relief depends not on the extent of the estate held, but on its being held of a mesne lord. Probably the distinction must be drawn between baronies possessing an honour court, and baronies not having such a jurisdiction. But the terminology of the *Dialogus* renders it difficult to be sure that the author had any clear notion of a barony or an honour in his mind.

P. 134, l. 13. **Liberationes vero seruientium.** Charities once established must be kept up by the 'guardian'; wages of servants not required need not be paid by him; the heir must pay both his father's charities and the wages of the servants engaged by him, but he need not use the services of the latter.

l. 30. **In propriam.** Probably an allusion to the death of Chiron from the poisoned arrow of his pupil Hercules.

P. 135, l. 7. **Si vero decesserit,** &c. The law for tenants-in-chief differed from that for under-tenants. Compare Glanvill (ix. 4. § 2) 'Mortuo vero patre vel antecessore alicuius, vt praedictum est, et herede relicto qui infra etatem sit, nullum ius habet dominus feodi in custodia heredis vel hereditatis, nisi prius recepto homagio heredis. Recepto vero homagio in custodia ipsius domini remanebit heres ipse cum hereditate sua sub forma predicta, donec plenam habuerit etatem. Tandem vero eodem ad etatem perueniente, quietus erit a releuio ratione custodie . . . . (ibid. § 4). Cum autem heres masculus et notus heres etatem habens relinquatur, in sua hereditate se tenebit vt supradictum est etiam inuito

domino, dum tamen domino suo sicut tenetur suum offerat homagium coram probis hominibus, et suum rationabile releuium alicuius iuxta consuetudinem regni, de feodo vnius militis centum solidos; de socagio vero quantum valet census illius socagii per vnum annum; de Baroniis vero nihil certum statutum est, quia iuxta voluntatem et misericordiam domini Regis solent Baronie capitales de releuiis suis domino Regi satisfacere. Idem est de serianteriis.'

The tenant who held of the crown accordingly paid no certain relief, and might even not be quit of his relief 'ratione custodie'; the tenant who held of the king as of an honour or escheat was in the same position as any other under-tenant. Cf. *Magna Carta*, cap. 43. Compare however Pollock and Maitland, i. 289. The same inequality of rights will be noticed in the case of aid: since the statute which determined 'rationabile auxilium' (3 Edward I. c. 26) was clearly not held to affect the rights of the Crown (see *Inquisitions and Assessments relating to Feudal Aids*, I. p. xxiv).

P. 135, l. 10. **sicut est episcopatus vacante sede**. Cf. P. R. 14 Hen. II. *Bishopric of Lincoln*, p. 78 'Hugo de Chaucumba reddit compotum de 30*li*. pro releuio 6 militum. In thesauro 10*li*. Et debet 20*li*. Helyas de Mundeuilla reddit compotum de 30 marcis pro releuio 4 militum. In thesauro 10 marce. Et debet 20 marcas.'

l. 11. **c. solidos**. It will be observed that the reliefs quoted by Madox, *H. E.* x. § 4. pp. 216 sqq., work out as a rule at £5 per knight's fee, when the number of knight's fees is stated. An instance from P. R. 10 Ric. I. (p. 217, note *k*), seems to show that £100 was regarded as reasonable relief for a barony (Willelmus de Novo Mercato reddit compotum de 100 marcis vt rex capiat rationabile releuium suum, scilicet 100*li*.), though the fine paid shows that much more must have been commonly exacted; but by *Magna Carta* (John), c. 2 £100 was fixed as the relief of an earldom or a barony, and the Pipe Rolls of Henry III show that this rate continued to be employed.

l. 22. **releuium repetere non valebis**. Cf. *Magna Carta*, c. 3 'Si autem heres alicuius talium fuerit infra etatem et fuerit in custodia, cum ad etatem peruenerit, habeat hereditatem suam sine releuio et sine fine.' This passage shows that *Magna Carta* made what was law in the case of under-tenants also law in the case of tenants-in-chief. Cf. Glanvill, ix. 4. § 2.

l. 23. **pro pupillis**: cf. Isa. i. 17 'iudicate pupillo, defendite viduam.'

P. 135, l. 29. **siue non**. The criminal, who flees, when he has not been accused of his crime, might come within the Assize of Northampton, c. 13 (*Select Charters*, p. 153), relating to those who had left the country and refused to return. But the exact meaning of *obiectum* is not clear. Glanvill discusses forfeiture under the two heads of conviction and outlawry. The classification here probably amounts to the same thing perversely stated. Cf. Glanvill, vii. 17. §§ 4 and 5.

P. 136, l. 2. **arctioris assise**: the Assize of Northampton (1176), which was a stricter form of the Assize of Clarendon.

l. 8. **Mobilium vero pretia**. Cf. P. R. 12 Hen. II. *Lincoln* 'Idem vicecomes reddit compotum de catallis fugitiuorum et eorum qui perierunt in iudicio aque quorum nomina hic subscribuntur: In thesauro 33*li* et 16*s*. et 4*d*. in 30 talliis.' Other instances are quoted by Madox (*H. E.* x. § 8, pp. 225 sq.). Note that the *Dialogus* knows nothing of the right of the crown to 'a year, day and waste' of the felon's lands. Glanvill, vii. 17. 4.

l. 17. **quorum supra meminimus**. Cf. II. i. A above.

l. 20. **Sic et thesaurus**. Treasure-trove was the property of the crown, and the concealment of it a criminal offence. Cf. Glanvill, i. 2, xiv. 2. Instances of treasure-trove accounted for by the sheriff will be found in Madox, *H. E*. x. § 8, p. 234.

Item cum quis laicum fundum habens. Compare Glanvill, vii. 16. §§ 2–4 'Cum quis vero intestatus decesserit, omnia catalla sua sui domini esse intelliguntur; . . . Vsurarii vero omnes res, siue testatus siue intestatus decesserunt (*sic*), domini Regis sunt; viuus autem non solet aliquis de crimine vsure appellari nec conuinci, sed inter ceteras Regis inquisitiones solet inquiri et probari, aliquem in tali crimine decessisse per duodecim legales homines de visineto et per eorum sacramentum. Quo probato in curia, omnes res mobiles et omnia catalla que fuerunt ipsius vsurarii mortui, ad vsus domini Regis capientur penes quemcumque inueniantur res ille. Heres quoque ipsius hac eadem de causa exheredatur secundum ius regni et ad dominum vel dominos reuertetur hereditas. Sciendum tamen, quod si quis aliquo tempore vsurarius fuerit in vita sua, et super hoc in patria publice defamatus, si tamen a delicto ipso ante mortem suam destiterit et penitentiam egerit, post mortem ipsius ille vel res eius lege vsurarii minime censebuntur. Oportet ergo constare, quod vsurarius decesserit aliquis ad hec, ut de eo tanquam de vsurario post mortem ipsius iudicetur et de rebus ipsius tanquam de rebus

usurarii disponatur.' The *Dialogus* contradicts Glanvill as to the disposition of the usurer's real property, but the 'vix' shows that the contradiction is not absolute. Cf. Liebermann (*Einleitung*, p. 100), who holds that Glanvill is right. The making of the will is probably considered not as a condition apart from that of repentance, but only as evidence of repentance, so that the apparent discrepancy between Glanvill and the *Dialogus* must not be pressed. Cf. however below II. x. I 'vita comite poenituerit et testamento condito,' &c. But intestacy seems to have been regarded as the natural punishment of the sin of usury. Cf. Pollock and Maitland, ii. 354, for the case of Hamo Blund, 'who died intestate and is commonly accused of having lent his money upon usury.' *Chron. Jocelini de Brakelond* (Camden Soc.) p. 67. Note that making a will is closely connected with death and the sacrament of penance. For accounts of the goods of usurers seized see Madox, *H. E.* x. § 8, p. 237.

P. 136, l. 21. **vel ciuis etiam.** Madox's conjecture *ciuis* is rendered certain by the repetition of the phrase in the question of the scholar immediately following. *Clericus* is a tempting conjecture in both cases; but probably the sentence is intended to exhaust all the lay class; and 'vel ciuis etiam' only points to the fact that usury in a citizen might be thought a venial offence.

P. 137, l. 21. **priuilegium demeretur.** Cf. Gratian's *Decretum* II. c. 14. qu. 4 for a similar statement.

l. 24. **prudentibus**: i. e. jurisprudents. The following passage might almost be a reminiscence of Glanvill loc. cit.

l. 29. **ecclesia non reclamante**: even if the church has a claim, she will make none to the goods of an usurer; it is doubtful if the church had any claim at this date to the goods even of intestate clerks. But note that the rule is growing up that the goods of an intestate are to be dealt with by the bishop; cf. on the whole subject Pollock and Maitland, ii. 354.

P. 138, l. 2. **more Iudeorum.** A Jew might take usury of a Christian without breaking any law of the Church or of the Land. A curious case is quoted by Madox from P. R. 4 Ric. I. rot. 9 a (*H. E.* vii. § 6, p. 166, note *u*) 'Iudas Iudeus de Bristo debet ii uncias auri pro inquisitione facienda in Capitulo Iudeorum si Iudeus debet capere usuram a Iudeo.' 'In eadem specie,' i. e. the interest must be of the same nature as the principal; it is not public usury to lend money and receive goods in discharge of the debt, whatever the value may be.

P. 138, l. 4. **ii. denarios in septimanam.** This was the recognized rate of interest charged by the Jews (Pollock and Maitland, i. p. 452). It was not, however, the only rate of interest, since 1*d.* and 3*d.* a week are also known to have been charged (see Jacobs, *The Jews in Angevin England*, pp. 87, 308, sq.).

l. 5. **Non publicas autem.** Of these usuries there are two kinds; first, the land or church may be transferred to the creditor with the natural issues of it which are not to be reckoned in favour of the debtor, until he discharge the debt; this is the more venial kind, but is expressly condemned by the Council of Tours (1163) cap. 2 (*Corpus Iuris Canonici*, *Dec.* III. tit. v. c. 1); the second kind, in which the creditor not only takes the issues but charges interest as well, is too obviously usury to require condemnation.

l. 15. **pro x. libris.** This is a mere abstract of a charter pledging land and is in consequence obscure; probably the author means the 100 marks for the principal of the debt, while the second sum of £10 is the interest payable yearly. Compare Charter 51 in *Ancient Charters* (Pipe Roll Society, vol. 9).

l. 17. **cum post mortem creditoris**: cf. Glanvill, X. viii. 6 'Cum vero res immobilis ponitur in vadium ita quod inde facta fuerit seisina ipsi creditori, et ad terminum, aut ita conuenit inter creditorem et debitorem quod exitus et redditus interim se acquietent aut sic quod in nullo se acquietent. Prima conuentio iusta est et tenet; secunda iniusta est et inhonesta, que dicitur mortuum vadium; sed per Curiam domini Regis non prohibetur fieri et tamen reputat eam pro specie usure. Unde si quis in tali vadio decesserit et post mortem eius hoc fuerit probatum, de rebus eius non aliter disponetur quam de rebus usurarii.'

l. 32. **De hiis tamen excidentibus.** The admission that these casual profits do not come under the head 'De Propresturis et Escaetis' shows that their classification as *escaete* is purely arbitrary and does not rest on any common usage.

P. 139, l. 6. **sicut supra dictum est**: i. e. I. xi. B, C above. The scholar returns to the question of the goods of felons, and raises the question why the goods of a villein felon go to the King and not to the lord. The answer of the master is that this is the rule under the Assize of Clarendon c. 3 (*Select Charters*, p. 143).

l. 18. **Quod si dominis.** This passage emphasizes the distinction between the legal and the actual right of a lord to the chattels of his villeins. If the lords had exercised their legal

right this passage would be absurd. 'We hesitate before we describe the serf as rightless even as against his lord, and if we infer want of right from want of remedy we feel that we may be doing violence to the thoughts of a generation which saw little difference between law and custom' (Pollock and Maitland, i. p. 413).

P. 140, l. 3. **Predonum ... dicuntur.** Compare II. vii. A above and note. The author seems to confuse 'robbery with violence' with 'furtum manifestum.'

l. 11. **sicut et vita**: cf. P. R. 7 Ric. I rot. 1 b; 'Et Thome de Prestewude qui attulit apud Westmonasterium capud Willelmi de Elleford utlagati 2 marcas, Per breue H. Cantuariensis archiepiscopi' (quoted by Madox, *H. E.* v. § 2. p. 136, note *t*), and *Laws of Edward Conf.* vi. 3 'Lupinum enim gerit caput a die utlagationis sue quod Anglice *wulvesheved* dicitur.'

l. 16. **furum autem ad vicecomitem.** Theft was within the sheriff's jurisdiction. Glanvill (I. ii.) says that *roberia* is a Plea of the Crown; 'Excipitur crimen furti quod ad vicecomitem pertinet et in comitatibus placitatur et terminatur'; (XIV. viii) 'De furtis autem et aliis placitis que ad vicecomitem pertinent, quia secundum diuersas diuersorum comitatuum consuetudines tractari habent et terminari, ad presens iuxta propositi mei exigentiam, quod principale solummodo attendit curiam, tractare non decuit.' Compare also VII. xvii. 6; 'Preterea si de furto fuerit aliquis condemnatus res eius mobiles et omnia catalla sua vicecomiti prouincie remanere solent; terram autem, si qua fuerit, dominus feodi recuperabit statim, non expectato anno.' Note that *curiam* below is the King's court, the sheriff's is the 'comitatus.'

l. 19. **Si vero furem proprium.** This appears to be an account of the appeal of theft described by Pollock and Maitland (*Hist. of Eng. Law*, ii. pp. 158 sqq.). The prosecutor gives chase to the thief, raises the hue and cry, and brings the case before the first competent jurisdiction whether the justices itinerant or the county court. In such a case he is entitled to twofold restitution (*solta et persolta*) as a reward for his diligence. Pollock and Maitland (Ibid. p. 492) quote *soluere et persoluere* meaning to pay double value, from *Laws of William* (*Select Charters*) c. 5. *Persolta* for a repayment is quoted by Madox from the Norman Pipe Rolls (*H. E.* iv. § 4. p. 115 *n.* l. fin.). Compare also the *Laws of Canute*, ii. 24. 1 and *Leges Edwardi Conf.* cap. 26 (reading

'æftrigelt' with Liebermann, *Ueber die Leges Ecf.* pp. 28, 103), which show the existence of the custom in other cases.

P. 140, l. 19. **proprium** not 'his own' thief, but the thief who has stolen his goods.

P. 141, l. 5. **iuxta promissum**: cf. I. v. I above, to which this passage appears to refer. No actual promise to deal with the subject is given, but the second book follows the plan of the writing of the roll described in that passage.

l. 9. **sequitur compotus de censu nemorum.** A comparison of I. v. I above shows that the author has here omitted to mention the accounts 'de omnibus firmis maneriorum . . . que annuatim debentur et soluuntur.' These are the manors which are in the King's hand but do not form a part of the Corpus Comitatus. Here also come the boroughs, unless their accounts are large enough to require separate treatment.

l. 14. **Sunt tamen quedam foreste.** In the Pipe Roll of 14 Henry II we find the forest of Northamptonshire (census £20) paying tithes to Lincoln, that of Windsor (£13) to Salisbury, Graveley (£1 10*s.*) and Chippenham (£3) to Salisbury, Cornbury (£7) to Lincoln, Malvern (£3) to Tewkesbury, and the New Forest (£25) to Salisbury. Those of Scaleby in Yorkshire (£4), Cnot (i.e. Cannock) in Staffordshire (£6 13*s.* 4*d.*), Cumberland (£6 13*s.* 4*d.*), Dene (£10), Feckenham (£20), Nottingham (£20), Stanton in Oxfordshire (£3), Westbury (£1), and the wood of Orcop in Herefordshire apparently pay no tithes. In the Pipe Roll of 21 Hen. II Galtres (£5) and Scarborough (£2 13*s.* 4*d.*) are added to the list, and do not pay tithe, and Malvern does not appear. For 'maiores ecclesie' see I. iii. F above and note.

l. 20. **illiciti**: cf. I. xi. G above and note; also Liebermann, *Einleitung*, p. 62.

l. 28. **vt vianti animo.** 'Iuuanti,' which Madox reads, has no manuscript support. The allusion may be to Hab. ii. 2 'Scribe visum, et explana eum super tabulas, ut percurrat qui legerit eum.'

P. 142, l. 3. **Prenotatio fit.** For instance, cf. Pipe Roll 21 Henry II, p. 141:—

'Noua placita et noue conuentiones per Randulfum de Glanuilla et Hugonem de Cressi:

'Idem vicecomes reddit de duabus marcis de Irningeford hundredo pro murdro . . . et debet viii*s.* i*d.*:

'Walterus filius Reginaldi reddit compotum de iii marcis pro

defectu. In thesauro iii*s*. et debet xxxviii*s*.' The payments of the current year are the 'noua placita' and follow the 'placita' or arrears.

P. 142, l. 4. **Placita autem**: the distinction here drawn is that 'placita' are penalties, 'conuentiones' voluntary payments made to the King to secure some advantage. But there are many payments that lie upon the border line; the peculiar position of relief is dealt with in II. xxiv, below; and it may be added that it would be difficult to say whether a fine for leave to compromise a suit was a penalty or a voluntary payment, were it not that the payment of Queen's gold upon such fines puts it among the 'sponte oblata.' The same difficulty occurs in the case of fines arising from amercements. See Madox, *H. E.* xi.–xiv.

l. 5. **Oblata spontanea.** These are discussed in chapter xxiii below.

l. 6. **tunc primum.** Up to this point the Treasurer has conducted the sheriff's examination (cf. II. iv. E above), while the Chancellor's clerk has been checking the account by the roll of the last year (cf. I. vi. C above). That roll must evidently be the Chancellor's Roll of the previous year, since the Treasurer and his scribe necessarily have the Pipe Roll of tha year between them (II. iv. E), while the Chancellor's clerk sits two places further down and so cannot look over the same roll. The summons is handed to the Chancellor's clerk by the sheriff (I. vi. C above).

l. 12. **sicut diximus**: i.e. II. ix. A above.

l. 29. **per firmam**: for the 'coercio' cf. above II. i. C 'vel capientur de firma tua.'

l. 34. **Ad vicecomitem.** The sheriff accounts for the payments assessed on counties or hundreds (*communia*), and in these cases he gets the quittance or is charged with the debt; in the case of payments assessed on individuals (*singulorum*) the sheriff is only (*solum*) responsible for enforcing payment, and so does not get the quittance or incur any charge for the debt. For the writ to the sheriff to coerce debtors see Madox, x. § 11 (p. 243) note *y*.

P. 143, l. 11. **Erit re vera.** No reason is here assigned for the use of the phrase 'per breue regis' instead of 'per cartam regis.' In I. viii. H above it is explained that in certain cases this phrase implies that the persons having the liberty were not expected to appear at the Exchequer with their charters to claim exemption. This is clearly not the case here (cartam ad scaccarium

deferat). See above, loc. cit. note, for some quotations illustrating the practice of the Pipe Roll. The other point here insisted on is that general words will not be construed to cover particular liberties. Note that the use of the word 'seculari' shows that the author is thinking of gifts in frank almoin to ecclesiastics.

P. 143, l. 32. **Caue tibi**, &c. Cf. P. R. 14 Hen. II. *Norf.* p. 18 'Willelmus de Merlai debet 200 marcas de misericordia, set nichil inuenitur de suo extra septa ecclesie per fidem vicecomitis.' On 'corporaliter' cf. II. iv. A above and note.

l. 35. **consummatum compotum.** See II. xxviii. A below.

P. 144, l. 2. **circa initia.** See I. v. H above.

l. 4. **Porro:** if the debtor is a land-holder, the sheriff is freed from all liability by swearing that he has found no goods by which he can distrain the debtor to pay; on the other hand, if the debtor is a dweller in a town, whose chief wealth is in money, the sheriff must first seize all his chattels, and if this is not enough must sell his house, and in case no purchaser can be found must bar it up and make what profit he can of any land the debtor may have. Cf. Pipe Rolls 6–14 Henry II for the case of Osward, the moneyer of Exeter. The final entry in Pipe Roll 14 Henry II, p. 125 is 'Oswardus Monetarius debet xviii. *li.* et v. *s* et vii. *d.* de misericordia set aufugit et Eustachius filius Stephani habet domum eius que erat in manu regis per breue regis.'

l. 12. **cuius actio**: process against whom has failed. Cf. above II. i. D, 'nisi quem sola suprema excusat inopia.'

l. 34. **mercimoniis inseruiunt.** The sense of 'inseruire' must be pressed; by the mere fact of engaging in trade the freeman degenerates: cf. below II. xiii. D.

P. 145, l. 9. **de auxiliis vel donis ciuitatum.** Various instances quoted by Madox (*H. E.* xvii. § 2, 3, pp. 480 sqq.) suggest that when the county paid a 'Communis Assisa,' or when the King's demesnes in the county paid tallage, the cities and boroughs were permitted to tender 'dona' or 'auxilia' in lieu of the assise or tallage. The words cannot, however, be thus sharply distinguished since we find, for instance, 'assisa burgi de Oxineford' (Madox, loc. cit. at p. 485, note *a*) in 19 Henry II, and in 1 Ric. I individual Thanes and Drengs in Northumberland pay 'de dono' under the head of tallage.

l. 12. **ex predictis.** Cf. I. viii. D, II. xii. A above and note.

l. 14. **plurimum interest.** Madox (*H. E.* xvii. § 3, p. 491)

quotes a case from the Memoranda of 39 Hen. III (Rot. 9. a.) which illustrates this point. The King on tallaging his demesnes attempted to get a lump sum of 3,000 marks from the citizens of London, and they offered 2,000 by way of aid. The King being dissatisfied attempted to assess the tallage *per capita*. The case ultimately turned on the difference between a tallage and an aid, a distinction which does not appear in the *Dialogus*. Again (ibid. p. 509, note *d*) he quotes from the Memoranda 40 Hen. III rot. 18 b, 'Ostensum est ex parte Hominum de Bedford, quod cum Homines eiusdem ville talliati sint per capita, Vicecomes iniuste distringit communitatem predicte ville, ad reddendum tallagium quod assessum est super certas personas: et ideo mandatum est Vicecomiti quod de demanda etc. predicte communitati pacem etc.; et distringat illos qui talliati sunt per capita.' The common liability of a town is always the result of its own act, not of that of the government.

P. 146, l. 4. **miles aliquis vel liber alius.** Dr. Liebermann (*Ueber Pseudo-Cnut De Foresta*, p. 28) compares this passage with the division of classes in the so-called Forest Laws of Cnut. He remarks 'The classification of rank of Pseudo-Cnut agrees with that of the time of Henry II. . . . The several classes of dependent people, from agricultural tenants down to slaves, are not distinguished. As by Richard Fitz Nigel and Walter Map, the *Villanus* is classed with the *Servus*, from whom he is still clearly distinguished by Domesday in 1086. Pseudo-Cnut does not count the Middle Class (sc. mediocres or lessthegnas), as *Liberales* just as Richard does not count the rich Burgesses and traders, who were doubtless free, as *Liberi*.'

l. 14. **hiis similis.** Cf. Hor. *Ep.* I. i. 65–6 'rem facias, rem, Si possis, recte; si non, quocumque modo rem.'

l. 32. **ex promisso.** The regular exchequer phrase for an undertaking, by which the person making it became a 'debitor.'

l. 35. **catalla que licite venduntur.** This appears to be the earliest authority on the law of distress. Cf. Bracton, III. 444 sq. for a more elaborate account. In both accounts the 'ordo observandus' is dealt with, and so far as the order of things goes, the two authorities agree. As to the order of persons, there is a remarkable discrepancy. The *Dialogus* places the order as follows; first the debtor's own property, second the property of his villeins, and third the property of the under-tenants of the debtor and their

villeins, this last only in distraint for scutage. Bracton gives the order as, first the property of the debtor's villeins, second the debtor's own property, third the property of the debtor's under-tenants. The position of the villein has worsened, though the legal theory has remained the same. It must be noted that Bracton is dealing with the law of distress as between private individuals.

P. 147, l. 3. **mutatoria vestimentorum.** Cf. 4 *Reg*. v. 5 'decem mutatoria vestimentorum.'

l. 4. **equi vsuales:** trained horses.

l. 20. **Et nota.** The distinction here drawn is between a knight by *status*, and a professional soldier. The latter's tools are exempt on the same principle as that on which the plough oxen are so far as possible spared.

P. 148, l. 12. **sicut supra dictum est.** Cf. II. x. J, K above.

l. 15. **Pro scutagio namque.** A tenant-in-chief charged with scutage might distrain upon his knights, or the sheriff would do so for him. It was a valid excuse for the non-payment of scutage that a lord had not been able to recover it from his under-tenant. Cf. Madox, *H. E.* xvi. § 8, p. 469.

l. 17. **ascriptitiorum,** i. e. the villeins of the under-tenants.

l. 20. **Vidi . . . vendantur.** This is an interruption to the argument, which is resumed at 'Quod si.'

l. 30. **Item admonendus.** Various cases are quoted by Madox (*H. E.* xxiii. § 8, p. 666).

P. 149, l. 15. **Quisquis enim.** See on this passage Pollock and Maitland, *H. E. L.* ii. 457, 512. It must be remembered that the statement here is made from a financial not a legal point of view. Legally it is only roughly accurate.

l. 26. **indefinite**, sc. *propositiones*: a reminiscence of the logical division of propositions into universal, particular, and indefinite. The logical rule is that indefinite propositions in necessary or impossible matter shall be taken as universal, in contingent matter as particular (cf. Aldrich, *Artis Logicae Rudimenta*, ii. § 3); 'The Logician, however, may use indefinites as particulars, not assigning the quantity from the matter, but admitting an indefinite premise (and therefore conclusion) where the rules of the figure do not require an universal. Hence the minor premise in fig. 1, may be indefinite, but not the major. See *An. Pr.* 1. 4. 9' (Mansel, ad loc. cit.). The author means that laymen use indefinite proposi-

tions as universal, where logicians consider it safest to use them as particular.

P. 149, l. 33. **Item admonendus.** The rule here laid down was extended at a subsequent date so as to give the King's debt priority over all other debts, as well as over debts to the sheriff. *See* Madox, *H. E.* xxiii. § 7, pp. 662 sqq.

P. 150, l. 16. **beneplacito**, i. e. he is at the King's mercy; a classicism for 'in misericordia.'

l. 30. **qui adheret**: cf. 1 Cor. vi. 16 'An nescitis quoniam qui adhaeret meretrici, unum corpus efficitur?'

l. 31. **sic tamen**: cf. Eph. v. 23 'Quoniam vir caput est mulieris.'

l. 32. **quia mulier**: cf. 1 Cor. vii. 4 'Mulier sui corporis potestatem non habet, sed vir.'

l. 36. **Porro mulier.** The widow is summoned as representing the infant child of the debtor; but it must be noted that there is no legal reason for the position assigned to her. She is not the natural guardian of the minor or of his inheritance; she is only the first person that the Exchequer can get hold of. Her dower is not the reason, 'quia praemium pudoris est.' For this phrase cf. 'pretium pudicitiae' Exod. xxi. 10. Instances of the application of the rule will be found in Madox, *H. E.* xxiii. § 10, p. 667.

P. 151, l. 12. **sicut in emolumentum**: cf. *Institutes*, i. 17 'quia plerumque ubi successionis est emolumentum, ibi et tutelae onus esse debet.'

l. 13. **ascriptitius**: the bondman has no inheritance to leave, because he has no property.

l. 15. **Non tamen ab annali**: cf. II. ii. C above and note.

l. 23. **par condicio non est.** A similar graduation of punishments according to rank is found in *Pseudo-Cnut De Foresta* 21–26, e. g. 'Poena et forisfactio non una eademque erit liberalis, quem Dani ealderman vocant, et illiberalis, domini et servi, noti et ignoti.'

l. 24. **at si de rege tenens baroniam.** The practice here described was abolished at a later date: cf. Memoranda, 41 Hen. III, Easter, rot. 15 b; 'Lincolnia, pro Rege. Mandatum est Vicecomiti, quod de bonis et catallis Roberti de Tateshal fieri faciat 70*li.* 15*s.* quos Regi debet de pluribus debitis. Ita quod habeat predictos denarios super compotum suum proximo ad

scaccarium ; nec de cetero credat Senescallo alicuius Baronis per Fidem suam pro aliquibus debitis; Et habeat breue' (quoted by Madox, *H. E.* xxiii. § 6, p. 662, note *c*). 'Baronia' is here used for the holding of any tenant-in-chief: cf. II. xxi. A below, 'Miles vero super debito proprio non satisfaciens,' etc. 'Generalis economi' (l. 26) is a classicism.

P. 151, l. 34. **in memorandis scaccarii:** cf. II. ii. A above and note.

P. 152, l. 4. **fidem eius in comitatu:** cf. P. R. 10 Ric. I, rot. 46, m. 2 *Linc.* 'Willelmus de Areci debet 1 marcam, ut sit quietus de hoc quod non fecit pacem ad Scaccarium de debito Domini sui sicut affidauerat in comitatu' (quoted by Madox, *H. E.* xxiii. § 6, p. 662, note *b*).

l. 11. **vel capientur:** see II. i. C above.

l. 15. **sicut supra diximus:** I. v. H above.

l. 23. **post solutum scaccarium.** This custom persisted at a later date. Madox quotes from *L. T. R.* Memoranda Roll, 1 and 2 Edw. I, m. 3 a ; 'Quia Petrus de Neuill qui tenetur Regi in diuersis debitis et pro eisdem affidauit Marescallo coram Baronibus de Scaccario, et clauso Scaccario, secundum consuetudinem eiusdem, liberatus fuit in prisona Regis, et postea per bonam manucapcionem liberatus,' etc. (*H. E.* xxiii. § 22, p. 699, note *w*). For another method cf. Memoranda, 22 Hen. III, rot. 11 b '*War. Leyc.* Concessum est Warnero de Hamstaple Senescallo Dauidis de Lymesye, quod recedat ut priso pro debitis eiusdem Dauidis usque ad festum S. Michaelis; ita quod tunc habeat dicta debita vel redeat priso' (quoted by Madox, *H. E.* xxiii. § 22, p. 699, note *y*).

l. 25. **Miles vero super debito proprio:** this is the tenant-in-chief himself, not the steward. Note that the tenant-in-chief is not necessarily a knight, but it is not clear what would happen to him if he were not a knight. Cf. I. v. H above 'ita tamen si miles.'

P. 153, l. 19. **vsque ad scaccarium:** i.e. up to the session of the Exchequer.

l. 25. **His fateor ego.** The writer does not contradict this opinion, but urges that the sheriff must make sure that the lord has really acted *mala fide* before he refuses his personal guarantee.

l. 36. **ex precedentibus:** i. e. chapters xiv–xxii.

P. 154, l. 9. **pro libertate aliqua:** e.g. P. R. 13 Hen. II,

p. 107; 'Burgenses de Bedeford reddunt compotum de 40 marcis pro Carta Regis habenda, ut sint in Libertate Burgensium de Oxineford. In thesauro 30 marcas, et debent 10 marcas': numerous other instances are quoted by Madox, *H. E.* xi. § 2, p. 273. On the whole class of 'oblata in rem' see Madox, op. cit. xi and xiii.

P. 154, l. 10. **vel pro custodia cuiusque**: cf. P. R. 8 Ric. I, rot. 4 *a*, *Warewic et Leircesterscira*. 'Henricus de Wichenton debet 60 marcas pro habenda custodia et donatione filie Philippi de Niewebote cum hereditate sua,' etc. (quoted by Madox, *H. E.* v. § 2, p. 136, note *w*).

l. 17. **quamdiu soluendo fuerint**: the payment was usually made in instalments, or in some cases may have been a yearly fixed sum.

l. 19. **careant impetratis.** Madox (*H. E.* xi. § 2, p. 273) quotes a charter of King John to the abbot of Bec from the Charter Roll of 5 John m. 14, with the following marginal note; 'Carta Abbatis de Becco, Et notandum quod hec Carta scripta fuit et sigillata in Normannia anno regni Regis quarto; sed liberata fuit anno quinto, eo quod Abbas prius non habuit denarios ad quietandum Cartam istam.' Cf. also Pipe Roll, 3 John, rot. 2 b. *Linc.* 'Henricus filius Hugonis de Neuill reddit compotum de 15 marcis et uno palefrido, pro habenda saisina terre unde dissaisitus fuit, eo quod non obseruauit terminos finis sui' (quoted by Madox, *H. E.* xxiii. § 18, p. 679, note *w*). 'Manente scaccario': i.e. before the close of the session.

l. 27. **ad quodlibet scaccarium.** This was known as 'Attermination,' on which see Madox, *H. E.* xxiii. § 18, p. 678, and the cases there quoted.

l. 30. **In spem vero.** On fines for legal proceedings see Madox, *H. E.* xii. The argument of this paragraph is regarded by Liebermann (*Einl.* p. 60) as sophistical. The author in the same breath denies that justice is sold, and admits that 'procedural advantages' are for sale. The suitor pays to have his case heard quickly and by the best judges he can get (cf. Pollock and Maitland, i. 342); he may even make his payment conditional on winning, a serious abuse. Care must be taken to avoid regarding *iusticia* as meaning 'a favourable verdict.' In the abstract it means 'justice,' in the concrete 'a fair trial,' and in this passage the meaning fluctuates between the two senses.

P. 154, l. 33. **venalem . . . iusticiam.** For the phrase cf. Cic. *in Verr.* ii. 119 'Venalem in Sicilia iurisdictionem habuit.'

vt sine dilatione fiat: cf. P. R. 15 Hen. II, *Yorkshire*, p. 36 'Ricardus de Rue reddit compotum de 5 marcis pro festinando iure suo contra Michaelem de Furneis. In thesauro 11*s.* et debet 55*s.* et 8*d.*' There was still 27*s.* 8*d.* of this sum owing in 21 Hen. II.

P. 155, l. 3. **obstantibus interdum.** The holders of land also paid fines to avoid being impleaded (see Madox, *H. E.* xii. § 4, p. 309). The clause of *Magna Carta* (cap. 49), 'Nulli vendemus, nulli negabimus, aut differemus rectum vel iustitiam,' includes both the practices here described (cf. Madox, loc. cit. § 6, p. 314).

l. 10. **rectum nondum habuerunt.** Cf. P. R. 1171 (17 Hen. II) p. 21 *Wilts.*; 'Willelmus de Anesia debet 10 marcas pro recto terre quam Willelmus de Coleuilla tenet. Set nondum habuit rectum.' He had not been able to get his case tried, and decided for or against him. Note that 'rectum' and 'iusticia' are equivalent terms, but compare preceding note on 'in spem vero.' So also P. R. (1190) 1 Ric. I, p. 41; 'Bartholomeus de Crec debet 20 marcas pro recto de Sudflet. Set mortuus est et non habuit rectum licet multum institisset.'

l. 18. **Solet tamen.** This abatement is specially provided against in a case from the Pipe Roll of 10 Ric. I, Rot. 2. b. *Sudhantescira*; 'Henricus de Brunden debet 10 marcas pro habendo breui de Morte Antecessoris de Gaiola Wintonie cum pertinentiis coram H. Cantuariensi Archiepiscopo; tali conditione, quod si amiserit ius suum, dabit 10 marcas' (Madox, *H. E.* xii. § 2, p. 298, note *d*). A similar practice, that of offering a certain proportion of the sum to be recovered, is described by Madox (loc. cit. § 5, p. 311). The result of this and last paragraph is that a litigant pays to have justice, and the payment is not due until the case is decided for or against him; if he wins or does not go to the trial, when he might, he will have to pay; if he loses, the King will probably let him off.

l. 22. **tertii generis.** Reliefs do not fit into the classification of all payments as either 'pene pecuniarie' or 'sponte oblata.' They differ from the latter, first, because the lord is bound to receive the homage and accept the relief of the tenant (Glanvill, IX. i. 1), and secondly, because the tenant would in most cases be in possession of the estate before relief became due, and the lord's remedy for neglect to pay relief is by distress (Glanvill, IX. viii. 4)

as in the case of 'pene pecuniarie'; they resemble the 'sponte oblata' in that Queen's gold was payable upon them ; but compare c. xxvi. below. Note, however, that in practice the King would seize the estate until the heir gave him security for the payment of relief (Glanvill, IX. vi. 3), and that an heir taking possession without leave might when discovered be compelled to account for all the issues of the estate during his irregular possession.

P. 156, l. 4. **accipitres scilicet vel falcones.** 'Accipiter' is probably used here as a classical equivalent for 'falco,' although the latter word occurs in Servius and Isidore ; otherwise 'accipiter' must be taken to mean a tiercel. Of the varieties mentioned 'Norrensis' is presumably the Norwegian gerfalcon, 'Hibernensis' may be the peregrine, and 'Hispanensis' the Barbary falcon or perhaps the Saker. There seems to be no mention of the Goshawk, which is usually rendered by 'Asturcus.' The Hon. Gerald Lascelles (*Falconry, Badminton Library*) gives the moulting period as April or May to August for Eyesses, and July or August to February for Passage Falcons : which would seem to show that the birds were taken from their nests and not caught when full grown. 'Hornus' for a hawk in its first plumage is clearly an expedient to avoid using the mediaeval Latin 'sorus'='soar' or 'red.'

l. 7. **Norrensem.** Cf. Pipe Roll 1171 (17 Hen. II), p. 10 'Stephanus de Reddeham debet 5 marcas et 2 Accipitres Norrenses pro habendo recto de Widone de Rochefordia de quadam terra in Norwico,' ibid. p. 59 'Ricardus Gubiun debet unum Girfalconem pro recognitione quam habuit de 2 virgatis terre.'

l. 10. **austurcariis.** 'Asturcarius,' 'an ȯstringer,' is said to be a keeper of goshawks and tiercels. There seems to be some distinction between 'asturcarius' and 'falconarius.' Cf. P. R. 18 Hen. II p. 4 'Et Roberto Malduit et Petro de Sandiacra 10 *li.* ad faciendum prestitum Austurcariis et Falconariis Regis per breue Regis.'

l. 20. **cauearum antris incluse :** a classicism for *muie.* Cf. P. R. 1171 (17 Hen. II) p. 23 ; Et pro 8 Muiis quas Rex filius Regis fecit fieri in Castello de Saresburia 25*s.* et 8*d.* Et pro 3 Muiis quas Bigotus ibidem fecit fieri 11*s.* per breue Regis. Et in liberatione eiusdem Bigoti et in custamento falconum Regis 72*s.* et 11*d.* per breue Regis.'

l. 22. **vt aquile :** cf. Ps. cii. 5 'renouabitur ut aquilae iuventus tua.'

P. 156, l. 29. **regine similiter tenentur**: cf. *Red Book*, ii. p. 760, where in the account of the coronation of Eleanor, wife of Henry III, there is the following note; Gilbert de Sanford claims to be the Queen's chamberlain; 'he also claimed to have a clerk in the Exchequer to exact the Queen's gold, who shall take of the said gold each day 6*d*. for his wages; but the decision on this claim is put off. And since mention is here made of the Queen's gold, note that men have held different opinions on this matter, some saying that it was only payable, when anyone made fine for his relief, others that it was from every fine of 100 marks and upwards; others from every fine of 10 marks and upwards. And although Richard the bishop states this (*reading* 'recitet') in his book, yet it is clear that Queen's gold is due from every fine of 10 marks and upwards, for whatever cause the fine is made; this may be proved by the roll of 10 John in Berkshire, when the abbot of Reading made fine for 60 marks . . . . and in the same roll he renders account of 6 marks for the Queen's gold.' With the inclusion of reliefs among the fines from which Queen's gold was due, compare the action of the Parliament of Oxford (*Select Charters*, p. 882); 'when the heir has made to the lord King a reasonable relief on attaining his majority, the lady Queen thereof demands her gold according to the reckoning of the tenth part, and it seems that she ought not to have it save from a fine.' It does not appear that Queen's gold was paid upon reliefs after this protest.

P. 157, l. 4. **ab eius officialibus**: Madox (*H. E.* x. § 10, p. 240, note *b*) quotes from the *L. T. R.* Memoranda Roll 1 Edw. I rot. 3 *b*. a note of such an appointment; 'Memorandum quod xxii die Ianuarii, W. Eboracensis Archiepiscopus Attornatus Domini Regis Edwardi venit coram Baronibus, et presentauit ad Scaccarium Walterum de Aubeny ad colligendum Aurum Alienore Consortis predicti Regis Edwardi.'

l. 20. **adhuc sub iudice lis est**: Hor. *A. P.* 78.

l. 21. **de misericordia . . . Iudeorum.** The tallage of the Jews is no doubt meant. See Madox, *H. E.* vii. § 1, p. 150, where several examples will be found of the arbitrary raising of money from the Jewish communities.

l. 22. **de redemptione monetariorum.** The 'redemptio' appears to be the payment made by a 'moneyer,' or worker in a county mint, either on his obtaining the office by the death of

a previous holder, or on a change being made in the coinage which involved his obtaining new dies from the King. The former case is called 'releuamentum' in *Domesday* (i. 179, *a* Hereford) where both cases are mentioned. The latter seems to be meant in the following passage of *Benedict of Peterborough*, aº 1180 (i. p. 263 *Rolls Series*) 'Eodem anno . . . Henricus rex Angliae fecit in Anglia nouam monetam fieri, . . . et rex monetarios suos redemit, id est, ad redemptionem coegit.' On this occasion, however, as will be seen from the Pipe Rolls the King endeavoured to supersede the local moneyers by a central mint, whose officers are distinctively spoken of as 'cambitores Regis.'

l. 25. **Numquid in ⟨penis⟩ pecuniariis.** It seems necessary to supply ⟨penis⟩, see II. xii. A above.

l. 31. **sue dignitatis . . . priuilegium.** It was at least contended that ecclesiastical fees were as such free from common amercements: see Madox, *H. E.* xiv. § 3, p. 375, where a plea is quoted from the *L. T. R.* Memoranda Roll of 35 Hen. III (rot. 3 a) 'cum feodum ecclesiasticum participare non debeat de communi fine comitatus, ut dicit.' Compare however II. xii. B, C above. Many instances of exemption will be found on the Pipe Rolls, but in most cases the houses exempted had charters of exemption. With regard to ordinary debts, when a clerical debtor had no lay fee by which he might be distrained, distress could only be made upon his ecclesiastical benefice through his bishop (see Madox, *H. E.* xxiii. § 23, p. 703).

P. 158, l. 21. **ipso . . . procurante.** The keeper of an escheat is not allowed to exact 'procurations' as bishops and archdeacons do on their visitations. 'Procurations' were originally the food necessary for the entertainment of the visitor and his following. For 'exeniorum' cf. Walter Map, *De Nugis Curialium*, p. 224 'Scriptos habebat omnes comites et barones terre sue, constituitque eis in aduentu vel mora curie sue certa exennia, quibus eos honorabat, in candelis, pane, vinoque.'

l. 25. **non alligabis . . . trituranti.** 1 Cor. ix. 9; 1 Tim. v. 18.

l. 30. **per verum dictum suum.** Cf. P. R. 17 Hen. II, p. 117 'Randulfus de Glanuilla de exitu Honoris Comitis Conani per verum dictum Reineri seruientis sui. In thesauro 62 *li.* et 4*s*. et 5*d*. Set non reddidit compotum.'

l. 31. **Cum igitur.** *See* Introduction, p. 50. The author

now returns to the actual account, taking up the story from II. ix. B above.

P. 159, l. 4. **sicut supradictum est**: I. v. K above.

l. 11. **rotulum exactorium**: I. xviii above.

l. 29. **vitandum diximus**: I. v. V above.

l. 31. **sub forma predicta**: cf. II. xii. C above.

P. 160, l. 6. **in vnius fidei**: cf. Eph. iv. 5 'Unus Dominus, una fides, unum baptisma.'

l. 13. **dixisse te recolo**: cf. I. v. N above.

l. 25. **madide . . . memorie**: cf. 'madida memoria,' Caecil. *apud. Prisc.* p. 699. P.

l. 35. **hic homo . . . consummare**: Luc. xiv. 30.

GLOSSARIAL INDEX

Abrado, to erase with a knife, I v, V; II xxvii, C.
Absentia, non-appearance, II iii; II iv.
Absolutio, acquittance, II xi; II xii, C.
Accipiter, a hawk, II xxv.
Accipitrarius, a falconer, I v, F.
Acervus numeralis, numerical heaps, I v, L; II xxvii, B.
Achitophel, I viii, H.
Acra, an acre, I xvii.
Actio, the right to proceed, II x, H.
Actito, to deliberate, II ii, B.
Adventus vicecomitis, the coming of the sheriff, II iii, A, B.
Alanius, perh. an adjective from Alanus, myrmidon of Alan. I xi, F.
Album firme, blanch-farm, I iv, A.
Anglicus, an Englishman, I x, B.
Animequus, of good cheer, I Prol. B.
Animus possidendi, the intention to retain, II x, G.
Annalis = rotulus annalis, a year roll, II xiii, A; II xviii; II xxvii, A.
Annomino, to assign, I iv, A; I vii, D; II x, A.
Apheresis, dropping the initial of a word. Gr. ἀφαίρεσις, I v, U.
Appertineo, to belong to, II ii, D.
Appono, to place on, X i, A; I iii, B.
Appositus, added (of circumstances), I v, N.
Archa, a chest, I iii, A, B; I xiv.
Ardeo, to burn, to lose by fire, I vi, H.
Argentarius, silver, of the silver; *abs.* the officer directing the assays in the Exchequer, I iii, A; I vi, F.
Arguo, to reason with, I v, E.
Arismeticus, arithmetical, I v, L.
Aristotiles, I Prol. A.
Armatura, armour, II xiv, B.
Ascriptitius, a bondman, I x, B; I xi, B; II x, J; II xiii; II xiv, C; II xviii.
Assisa, an assize or ordinance, *esp.* those of Clarendon and Northampton, II x, F, K.
Assisa communis, a general (county) cess, I viii, D; I xi, D; II xii, A; II xiii, B.
Assumo, to take with one, I v, F, R.
Astruo, to prove, I xi, C.
Attentionis industria, II Pref. II iv, E.
Auctenticus, in *or* of authority, I vii, F; II i, B; II xxvii, B.
Auricularis, the little finger, I v, K.
Aurum, gold, *esp.* aurum reginae, Queen's gold, II xxvi.
Austurcarius, a falconer, an 'Ostringer,' II xxv.
Auxilium, an aid, *esp.* auxilium burgi, II xiii, B, C.
Avis regia, a royal bird, a falcon, II xxv.

Baillia, a bailiwick, I v, S; II i, C.
Baiulo, to carry, have the charge of, I iii, B.
Baiulus, a bearer, I iii, G.
Ballivus, a bailiff, II iii, A; II iv, D.
Baro, a baron of the exchequer, I v, E, H, V; I vi, A, B; I viii, B; I xi, C; II i, A; of the realm, II xix.
Baronia, a barony, II x, C; II xix; II xxiv; II xxvii, A; maior, II x, E; minor, II x, E.
Basilica, a church, I Pref. B.
Benedictio, blessing, I viii, F.
Beneplacitum, pleasure, II iii, A.

Bernarius, a berner, a keeper of hunting dogs, I v, F.
Bimus, two years old, II xxv.
Blancus, blanch, I v, I, M; II iv, E; II v; II xxvii, B; *esp.* blanco, in blanched payment, I v, S.
Bos, an ox; bos arans, an ox for the plough, II xiv, C.
Breve, a writ, I iii, C; II vi; de exitu, exitus, of issue, I ii, F; I v, E, V; I vi; de computando, of credit, I v, G, V; I vi; de perdonando, of pardoning, I v, G, V; I vi; de dando, of gift, I v, G; de firmis, the writ of farms or exactory roll, I xiv; summonitionis, the writ of summons, II i, A.
Brunus, Magister Thomas, I v, C; I vi, D, E, F.
Burgensis, a burgess, II xiii.

Calculator, the calculator, I v, B; I v, M; II xxvii, B.
Calculus, a counter, I i, A.
Camera curie, the chamber, II iii, C.
Camerarius, a chamberlain of the upper exchequer, I i, B; I iii, A; I iii, B; I v, D, F, H; of the lower exchequer, I iii, B.
Cancellaria, the chancery, I v, C, E, O.
Cancellarius, the chancellor, I v, A, D; I vi, D.
Cancello, to cancel, I v, U.
Candens, hot, II vii, A.
Capio (*intr.*), to hold good, I v, N.
Capitalis, chief, I iv, B; litere capitales, capital letters, II x, A; cf. litere patentes.
Carceralis, belonging to a prison, II xxii, A.
Carnis debita soluere, to die, II iv, D.
Carta, a charter, I iii, C; I v, V; I viii, H; II xii, B.
Castellum, a fortified place, vii, A; I viii, B [*see* J. H. Round, *Geoffrey de Mandeville,* 331–334].
Casualis, casual, occurring occasionally, I v, T; II i, B; II xxvii, B.
Catalla, chattels, II x, F, G, L; II xiii, D; II xiv, A.
Causa, reason, occasion, II ix. A.
Cautio, a bond, *hence* a schedule of debts, II ii, G.
Cavea, a mew, II xxv.
Census, a tax, I xi, B; *esp.* nemorum, a cess, I v, T, U; II xi.
Centuplum, a hundred-fold, I viii, D.
Centuriata, the hundred, I x, A; I xvii.
Cetus, a whale, II vii, C.
Christianus, a Christian dist. from a Jew, II x, H.
Ciffus = scyphus, a cup, I vi, G.
Cisterciencis ordo, the Cistercian order, I viii, H.
Citatio, a summons, I v, N.
Civis, a citizen *or* burgess, II x, G; II xiii.
Clamo quietum, to acquit, I vi, B; I viii, I.
Clanculo, secretly, I x, A.
Clericus, a clerk, II iv, A; II x, H, I; II xxvi, B; *esp.* clericus thesaurarii, the treasurer's clerk in the lower exchequer, I iii, A, F; I vi, E; in the upper exchequer, II i, B; II ii, A; clericus cancellarii, I v, C; I vi, A, C; II ii, C; II vi; II xii, A; Clericus constabularii, I v, C, F; I vi, D; Clericus scriptorii, I v, B, O; Clericus magistri Thome, I vi, E; Clericus archidiaconi, II ii, C; Clericus reginae, the queen's clerk, II xxvi, A.
Clerus, the clergy, *or* clerkdom opposed to curia, I iv, C; I viii, A.
Cnipulus, a knife, I iii, F.
Coapto, to fit, adjust, II iii, A.
Coercio, distress, II i.
Collecta, collection, I xi, B.
Colonus, a countryman, I iv, A; I viii, B.
Combustio, testing by fire, I iii, C; I vii, A; I vii, D; the amount lost in the test, I vi, I; II xxvii, B.
Comes, an earl, I xvii.
Comitatus, a county, I v, S; I xvii; comitatus qui de antiquo iure corone regie annominantur, I vii, D; the county court, II i, D; II x, L; II xx.
Commercium, trade, II xiii, B.
Commixtio, a mixing, I vi, G.
Commodatum, a loan, II v.

Iusticia, a judge, *esp.* capitalis iusticia, the chief justice, I iv, B; I v, D; iusticia itinerans, a justice errant, I viii, D; the right of judging, I viii, H; an execution, II vii, A; II vii, B; justice, II xxiii, B.

Iusticiarius, a judge, *esp.* the chief justice, I v, B; I vi, B; I xviii.

Laicus, a layman, II iv, A; II x, H, I; laicus fundus, a lay estate, II x, G.

Latus, an associate (?), I vi, E.

Leugata, the district over which the jurisdiction of a place extends, I v, H; II xxi, A.

Lex, dist. from ius, Pref. A; I iv, A; I xi, G; *of money*, alloy, I iii, E; I vii, D; an ordeal, II vii; II x, F; II x, M; leges Anglicane, the laws of England, I xvi.

Liber, a free man, II xiii, A; liber degenerans, II xiii, D.

Liber iudiciarius, Domesday book, I iv, A; I xiii; I xiv; I xv; I xvi.

Liberata, a payment out of the exchequer, I vi, A.

Liberatio, payment, salary, I iii, F, G; I v, S; II iv, E; *esp.* indigentium, charitable gifts, II vi; servientium, salaries, II vi.

Libra, a pound. The exchequer pound, I iii, D; libra ponderis, a pound weight, I iii, E; I vi, G.

Licite, lawfully, I xi, C.

Ligius, liege, II iv, C.

Limbus, a raised edge, I i, A.

Lincolniensis ecclesia, Lincoln Cathedral, II xi.

Littere patentes, II xxvii, C; scriptum patens, I v, V; II ii, C; scriptura patens, II ii, B.

Loco, to let, II xvi.

Loculus, a purse, I iii, E; I v, D; I vi, F.

Locus, a commonplace, I xi, E; locus a maiori, the argument 'a fortiori,' *ibid.*; locus, a place [where the Exchequer sat], II ii, B.

Londonia, Lundonie, London, I iii, G; II iv, B.

Lucrum, interest, II x I.

Luporum comprehensor, a wolf hunter, II vi.

Lusilis = lusorius, used for playing with, I i, A.

Madidus, weak, II xxviii, B.

Maiestas, the king's majesty, II iii, B; II xvi; three grades of punishment for offences against, II xvi.

Maiores, the principal officers of the Exchequer, II i, B.

Malignor, to shuffle, II xx.

Mammona, money personified, Pref. B.

Manens, continuing to be, I v, N.

Manerium, a manor, an agricultural estate, I v, T.

Marca, a mark = 8 ozs. = $\frac{2}{3}$ £ = 13*s.* 4*d.*, I v, K.

Marescallus, the marshal, I v, B, G; I vi, B; I vii, F; II xxi, A; II xxviii; marescallus scaccarii, I v, F.

Massa, a melted lump, I vi, G.

Materia, substance, composition, I vii, D.

Medius, in medio positus, notorious, II x, K.

Membrana, a skin of parchment, I v, R.

Memoranda, a kind of tally, I v, I; also notes of matters of importance, II ii, A; II xx.

Merchenlage, Mercian law, I xvi, A.

Mercimonium, a commercial transaction, I Pref. B; II xiii, B, D.

Metaphora, metaphor, I xvi, B.

Miles, a knight, as an officer of the lower Exchequer; miles camerarii, miles argentarius, I iii, A, D, G; I vi, F; as an officer of the upper Exchequer, miles gregarius, the constable, I v, A; the Marshal, I v, B; simply a soldier, I v, F; a knight, I v, H; II iv, A, D; II x, B; II xiii, A; II xiv, B; II xxi, A; II xxii; miles degenerans, II xiii, D.

Militia, knighthood, service as a knight. In the Exchequer, I iii, G; II xiv, B; militiae cingulum, the belt of knighthood, II xiv, B.

Milito, to serve, I iii, A; I v, F, P, S; I vi, C; I viii, C; I xiii; II iv, D.

Potestas, *esp.* publica potestas, official position, I viii, A, B.
Preambulus, over hasty, I v, M.
Prebenda, provender, I vii, B.
Precipitium, a steep place, destruction, II Pref.
Preconius, of a crier, II iv, E; II xx.
Predo, a robber, II x, L; predonum bona, II x, M.
Preeligo, to prefer, I xi, F.
Prelatio, superior dignity, II x, J.
Prenotatio, a heading, II x, A; II xi.
Prerogativa, privilege, II iv, D.
Prescribo, to dictate, I v, E; II vi.
Presidens, the presiding officer, *i. e.* the chief justice, I v, A; I vi, B; I xi, E; II xxi, A; II xxvii, A.
Prestitum, a grant of money by way of charge on a manor, II v.
Prestolor, to await, I vi, G.
Privilegium, a charter, a bull of privileges, I xiv; I xvii.
Probator, an approver, II vi; vii, A, B.
Procuratio, maintenance, II x, C.
Procurator generalis, a steward or bailiff, II iv, B.
Promissum, an undertaking to pay, II xiv A; II xxvi, A.
Propitius, I vi, C; sibi propitius esse, to give himself a holiday.
Prosolta, II x, M; *see* solta.
Provectio, progress, II ii, A.
Pupillus, a ward, II x, F.
Purgatorius, cleansing, refining, I vi, I.
Purprestura, an encroachment, a purpresture, I v, T; II x.

Quaestus, profit, I vi, I.
Quietancia, quittance, I viii, H; II i, C.
Quietus, quit, II xii, A and *passim*.

Ratiocinium, an account, II iv, A.
Reatus, guilt, II vii, B.
Recautum, counter-tally (a classicism for contratalea), I v, B; I vi, K; I xiv.
Recepta, the receipt or exchequer of receipt, I ii, iii, E, F; money received, I iii, C; receipt rolls, I v, V; I xiv.
Recordatio, record in the judicial sense, I iv, B; and cf. II xx.
Rectum, lawful right, II xxiii, B.
Redditus, rent, II xvi; revenue I xi, A; redditus consuetudinum, customary rents, I v, U.
Redemptio, ransom, II xxvi, B.
Reguarda, a survey, I xi, E.
Relevium, a relief, II x, C, D, E; II xxiv; relevium tenentis in capite, II x, E; relevium tenentis ratione baroniae, II x, E.
Repositorius, in which anything is placed, I xiv.
Res, in rem, actually, II xxiii, A.
Rescriptum, the copy of a writ, =contrabreve, I vi, A, B; II xii, A.
Resedeo, to have a seat, or official place, I Prol. A; I i, B.
Responsalis, an attorney, I viii, B.
Retentus, hired, engaged, I v, H.
Retracta, deductions, I v, F.
Rex, I iv, B; I v, M; II iii, B; II xxi, A; II xxvii, A.
Robertus comes Legrecestrie, I xi, D.
Rotulus, a roll; de thesauro, the treasurer's roll, I v, C; de cancellaria, the chancellor's roll, I v, C, E, M; magistri Thome, Thomas Brown's roll, I v, C, E; I vi, E; annalis, a year-roll, I vii, C; I xi, E; II ii, A; II xviii; annalis magnus rotulus compotorum, I xiv, a year roll; exactorius, the roll of farms, I xiv; I xviii; II xxvii, B; receptarum, receipt rolls, I xiv; iudicum perambulantium rotuli, errantium rotuli, Eyre rolls, II i, C; II ii, F.
Rumbus, a turbot, II vii, C.
Ruricola, a countryman, I xvii.

Sacramentum, a hidden religious meaning, a mystery, I v, N; II xxviii, A; an oath, II iv, A; II x, A.
Salio, to salt, II vii, C.
Saresberienis, Rogerus episcopus, I vii, C; I viii, F.
Saresburiensis ecclesia, Salisbury Cathedral, II xi.
Scaccarium = scaccarium lusile, a chess board, I i, A, B; a board, I i, A; *esp.* the exchequer, Pref. B and *passim*; scaccarium in-

Oxford: Printed at the Clarendon Press, by Horace Hart, M.A.